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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF DELAWARE

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UNITED STATES OF AMERICA,) VOLUME 3

)

5

) CRIMINAL ACTION

v.

) NO. 23cr61 (MN)

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)

ROBERT HUNTER BIDEN,

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7

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Defendant.

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Wednesday, June 5, 2024

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9:00 a.m.

11

Jury Trial

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Courtroom 4A

13

844 King Street

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Wilmington, Delaware

15

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BEFORE: THE HONORABLE MARYELLEN NOREIKA

17

United States District Court Judge

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APPEARANCES:

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SPECIAL COUNSEL'S OFFICE

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BY: DEREK E. HINES, ESQ.

22

BY: LEO WISE, ESQ.

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Counsel for the

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United States of America

1 APPEARANCES CONTINUED:

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3 DALTON & ASSOCIATES, P.A.
4 BY: BARTHOLOMEW J. DALTON, ESQ.
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6 -and-

7 WINSTON & STRAWN LLP
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10 BY: ISABELLA OISHI, ESQ.

11 Counsel for the Defendant

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13
14 08:26:38

15 08:47:25

COURTROOM DEPUTY: All rise.

16 09:03:08

THE COURT: All right. Good morning, everyone.

17 09:03:10

We're going to bring in the jury. One quick point before we
18 do.

19 09:03:15

Mr. Lowell, yesterday I asked you not to make a
20 speech when you did -- when you said you've already ruled on
21 my objection, and then I realized you were saying it because
22 you didn't want to raise your objection.

23 09:03:28

So let me say this, anything that I have already
24 ruled on, your objections are preserved, and if you want to
25 just say something like no further objection, nothing like

26 09:03:30

27 09:03:33

Jensen - cross

09:03:36 1 that, then I think it will make it easier.

09:03:39 2 MR. LOWELL: And you exactly understood why I
09:03:40 3 did.

09:03:42 4 THE COURT: I realized it the next time you said
09:03:46 5 objection. That's the way I typically handle it.

09:03:49 6 Anything else we need before the jury comes in?

09:03:52 7 MR. HINES: No, Your Honor.

09:03:53 8 THE COURT: Okay.

09:04:06 9 (Jury entering the courtroom at 9:04 a.m.)

09:04:12 10 THE COURT: All right. Everyone can be seated.

09:04:30 11 Members of the jury, welcome back. Thank you
09:04:32 12 for being here promptly and on time and at this point, I'm
09:04:37 13 going to ask you my morning question, which is, has anyone
09:04:42 14 -- have you talked with anyone, has anyone tried to talk to
09:04:45 15 you, have you done any research, have you heard any reports,
09:04:49 16 seen anything on social media about this case, or anyone
09:04:52 17 involved in this case?

09:04:54 18 JURY: (All said no.)

09:04:55 19 THE COURT: All right. Okay. Thank you.

09:04:57 20 Mr. Lowell, please continue.

09:04:59 21 MR. LOWELL: Good morning, Judge. Good morning
09:05:00 22 ladies and gentlemen.

09:05:03 23 BY MR. LOWELL:

09:05:03 24 Q. Good morning, Agent.

09:05:03 25 Yesterday when you were testifying, you

Jensen - cross

09:05:05 1 testified first as I started to ask you some questions about
09:05:08 2 the book that Mr. Biden wrote.

09:05:11 3 A. Yes.

09:05:11 4 Q. And that's called Beautiful Things?

09:05:14 5 A. Yes.

09:05:15 6 THE COURT: And could I just ask, I think that
09:05:17 7 some of the jurors may have problems hearing you, so can you
09:05:20 8 make sure you talk into the microphone.

09:05:24 9 Q. You read from various chapters -- sorry, there were
09:05:27 10 various chapters presented and played for the jury?

09:05:30 11 A. Yes.

09:05:30 12 Q. One of them was Chapter 8 and -- I'm sorry,
09:05:37 13 Chapter 7, that was called Cracked?

09:05:38 14 A. Yes.

09:05:39 15 Q. And that covered a period of 2016?

09:05:42 16 A. Yes.

09:05:42 17 Q. And then Chapter 8, Into the Desert, that one covered
09:05:47 18 the period of 2017?

09:05:51 19 A. I thought it might have been October of '16, but I
09:05:55 20 can check if you would like.

09:05:56 21 Q. It certainly included 2017?

09:06:00 22 A. Can I check?

09:06:02 23 Q. You can check.

09:06:09 24 A. Yeah, I'm not sure.

09:06:11 25 (Witness reviewing document.)

Jensen - cross

09:06:37 1 Q. That chapter, if I'm looking correctly, starts at
09:06:40 2 2016 and proceeds into parts of 2017, if you're looking?

09:06:43 3 A. I can see the October '16, I'm just not sure it's
09:06:50 4 clear it goes all the way, I'm not sure it says -- I'm just
09:06:54 5 trying to get the context --

09:06:54 6 Q. Nonetheless it's before 2018, we can establish that?

09:06:58 7 A. Yes.

09:06:58 8 Q. Chapter 8 called Into the Desert, that also starts in
09:07:03 9 2016, correct?

09:07:03 10 A. Yes, Chapter 8 looks like it starts October 2016.

09:07:09 11 Q. And that one as I said was called Into the Desert?

09:07:12 12 A. Yes.

09:07:13 13 Q. And then Chapter 9 would be after that, talks about
09:07:23 14 the beginning of 2018; right, California Odyssey?

09:07:29 15 A. Yes.

09:07:30 16 Q. And in those previous chapters as you heard, and I
09:07:34 17 think it was maybe a few hours, there was granular detail
09:07:40 18 that Mr. Biden is recounting about, among other things, his
09:07:45 19 periods of abuse of drugs? By granular, I mean he tells you
09:07:51 20 where he was, he tells you what he was doing, he tells you
09:07:54 21 what hotel, he tells you that he's in the car, he tells you
09:07:58 22 which airport he's at, he tells you the names of people he's
09:08:01 23 dealing with, that's what I mean in those chapters?

09:08:04 24 A. Yes, specific details in stories that he's telling,
09:08:07 25 yes.

Jensen - cross

09:08:08 1 Q. And then I wanted to turn your attention to Chapter 9
09:08:11 2 again, which is the beginning of 2018, and go through that.
09:08:16 3 And then Chapter 10 is called, Lost Highway. And then that
09:08:25 4 starts at the end of the summer of 2018 and into the fall.
09:08:42 5 A. I think after the first sentence he basically says --
09:08:45 6 I can read it. "I come back east", and he references "fall
09:08:49 7 2018", so I think fall 2018.
09:08:51 8 Q. Yes.
09:08:52 9 A. Yes.
09:08:53 10 Q. So when he is writing that that you looked at and
09:08:55 11 part of which the jury heard yesterday, he comes back after
09:09:00 12 the summer of 2018; right?
09:09:02 13 A. Yes.
09:09:02 14 Q. And when you looked at the book and picked selections
09:09:07 15 for that period of time, were you also looking for
09:09:10 16 references to that same kind of thing you looked at when you
09:09:15 17 were doing 2016 and 2017 and the beginning of '18, looking
09:09:19 18 for his description of the drug use?
09:09:22 19 A. Yes, evidence of addiction, yes.
09:09:24 20 Q. And/or of addiction, right?
09:09:26 21 A. Yes.
09:09:27 22 Q. And it is true, isn't it, that in the chapter that
09:09:30 23 you have reviewed and just talked about, as you looked at it
09:09:34 24 from the period of time he came back from California to
09:09:37 25 Delaware, there are no descriptions of his using drugs, of

Jensen - cross

09:09:41 1 his having a person that he's waiting to hear from, that
09:09:45 2 he's held up in a hotel room, that he's smoking crack every
09:09:49 3 15 minutes, that doesn't exist in this book from the period
09:09:53 4 of time he came back until later in 2018 when he goes to
09:09:57 5 Massachusetts, right? In terms of that description?

09:10:01 6 A. I can't recall every page of the chapter, so I'm not
09:10:05 7 trying to be difficult, but I'll just -- what we used were
09:10:09 8 those -- items that evidence the addiction.

09:10:12 9 Q. So that if you didn't play any for that period, you
09:10:15 10 didn't find any?

09:10:17 11 A. I don't recall every page of the book, but we used
09:10:23 12 items that were evidence of addiction, yes.

09:10:25 13 Q. Okay. So in the book that you reviewed, you and I
09:10:30 14 agree that you were looking for and played for the jury that
09:10:34 15 which would, as you called it, the evidence of his using or
09:10:37 16 addiction?

09:10:38 17 A. Yes.

09:10:38 18 Q. That we can agree about? And then I asked you
09:10:43 19 whether or not did you see any like the ones in chapters 7,
09:10:46 20 8, 9, and your answer is if we found it, it would have been
09:10:54 21 it?

09:10:55 22 A. It would have been added, I think that's fair. I
09:10:58 23 just want to be careful to say, I don't remember every page
09:11:02 24 of that chapter, that's all.

09:11:03 25 Q. So I know what you were looking for then, right? You

Jensen - cross

09:11:08 1 were looking for those passages?

09:11:10 2 A. Correct.

09:11:10 3 Q. And do you remember any of those descriptions or
09:11:13 4 details or ways he describes what he's doing when he's using
09:11:19 5 drugs to be part of what was played yesterday in that period
09:11:23 6 of time?

09:11:23 7 A. So in Chapter 10, I have no specific recollection
09:11:27 8 beyond what's in -- what we used in our excerpts.

09:11:32 9 Q. Yesterday you identified, and I think it was
09:11:38 10 admitted, government Exhibit 29. Mr. Radic, would you put
09:11:43 11 government Exhibit 29 on the screen.

09:11:44 12 And you identified this as a bank record in the
09:11:47 13 account of Mr. Biden. And at Wells Fargo, do you recall
09:11:52 14 doing that?

09:11:53 15 A. Yes.

09:11:53 16 Q. Would you please turn, Mr. Radic, and it will be on
09:11:58 17 the screen, to page 20. And the third entry on the page.
09:12:07 18 And you see on that page it indicates a purchase to an
09:12:11 19 entity called liquor time liquor?

09:12:14 20 A. Yes.

09:12:14 21 Q. And it says a Visa check card; right?

09:12:19 22 A. Yes.

09:12:19 23 Q. That's like a debit card right?

09:12:22 24 A. Yes, that would be my thinking.

09:12:25 25 Q. Because it indicates cash on the left-hand side?

Jensen - cross

09:12:27 1 A. Yes.

09:12:28 2 Q. And that's for \$48 and 74 cents?

09:12:32 3 A. Yes.

09:12:33 4 Q. And the date of that indicates the purchase is on
09:12:35 5 October 1st, and it hits the bank on October 4th. Do you
09:12:39 6 see that?

09:12:39 7 A. Yes.

09:12:43 8 Q. Mr. Radic, would you please turn to page 26 and go to
09:12:47 9 the fifth entry.

09:12:49 10 Can you see that on your screen?

09:12:51 11 A. Yes. It comes up as Wine and Spirits.

09:12:55 12 Q. And you see that that is again a Visa check card, and
09:12:58 13 it's a purchase to an entity known as Wine and Spirits, do
09:13:03 14 you see that?

09:13:04 15 A. Yes.

09:13:04 16 Q. The purchase date seems to be -- indicates that it's
09:13:07 17 on the 9th, and it hits to the 10th. Do you see that?

09:13:11 18 A. Yeah, I think it was authorized on the sixth, so that
09:13:14 19 --

09:13:14 20 Q. It was authorized on the 6th?

09:13:16 21 A. Yes.

09:13:16 22 Q. Thank you. And that's to a liquor store and that's
09:13:20 23 for \$19.07?

09:13:22 24 A. Yes.

09:13:23 25 Q. And that's October the 6th.

Jensen - cross

09:13:27 1 A. I would interpret that as a liquor store, although
09:13:33 2 I'm not familiar with the particular liquor store.

09:13:36 3 Q. I understand you don't know, but its title is clearly
09:13:39 4 Wine and Spirits, the "spirits" would be alcohol, that's the
09:13:43 5 general definition of the word spirits, no?

09:13:45 6 A. Yes, I know it means that, yes.

09:13:50 7 Q. Would you turn to page 31, and go to the fifth entry,
09:13:53 8 and you can see that one is to an entity known as Boxwood
09:13:59 9 Liquors, do you see that?

09:13:59 10 A. Yes.

09:13:59 11 Q. And it indicates a date I think of purchase perhaps
09:14:03 12 of October 19th. Do you see that date?

09:14:05 13 A. Might have -- maybe, if you go to the next page, the
09:14:11 14 --

09:14:11 15 Q. Under 18th?

09:14:12 16 A. It might have bled over to the next page.

09:14:15 17 Q. I see that, too. You see it hits the account on the
09:14:19 18 22nd?

09:14:19 19 A. Yes.

09:14:20 20 Q. That's for \$26.48?

09:14:23 21 A. Yes.

09:14:24 22 Q. Would you please turn to page 31, and go to the third
09:14:29 23 entry. And you see that this authorized on October 18th?

09:14:37 24 A. Yes.

09:14:38 25 Q. By the way, the October 6th and the October 18th thus

Jensen - cross

09:14:42 1 far is when he's back on the East Coast; right?

09:14:45 2 A. Sorry, say that one more time.

09:14:47 3 Q. Sure. The dates of October 6th and October 18th of
09:14:52 4 2018, he's back in Delaware?

09:14:53 5 A. Yes.

09:14:54 6 Q. And so on this date, or wherever he is, he's on the
09:14:59 7 East Coast I should say, he's not in California any longer?

09:15:02 8 A. Yes, he's on the East Coast.

09:15:04 9 Q. So on this one the authorization date being the 18th?
09:15:09 10 Do you see that?

09:15:09 11 A. Yes.

09:15:09 12 Q. To an entity called Central Wine and Spirits?

09:15:13 13 A. Yes.

09:15:13 14 Q. And it hits the account on the 22nd?

09:15:16 15 A. Yes.

09:15:16 16 Q. And that's for \$52.25?

09:15:21 17 A. Yes.

09:15:22 18 Q. Mr. Radic, would you please turn to page 37, and go
09:15:27 19 to the fourth entry? On this one you see that this is a
09:15:31 20 purchase, the authorization date is the 19th?

09:15:33 21 A. Yes.

09:15:36 22 Q. And it hits the account on the 23rd?

09:15:38 23 A. Yes.

09:15:38 24 Q. And that one is for \$10.88?

09:15:43 25 A. Yes.

Jensen - cross

09:15:44 1 Q. And it's for an entity called Central Perk Wine?

09:15:48 2 A. Yes.

09:15:49 3 Q. Mr. Radic, would you turn on that same page to the
09:15:54 4 first entry? You see that entry?

09:15:57 5 A. Yes.

09:15:57 6 Q. And it says authorized on the 21st, but it also hits
09:16:01 7 on the 23rd. Do you see that?

09:16:03 8 A. Yes.

09:16:04 9 Q. And that is to an entity called Dunkirk Liquors?

09:16:09 10 A. Yes.

09:16:09 11 Q. And that one is for \$33.98?

09:16:13 12 A. Yes.

09:16:15 13 Q. Mr. Radic, could you please turn to page 40, and look
09:16:18 14 at the last entry? And that one indicates an authorization
09:16:23 15 of October the 24th of 2018?

09:16:29 16 A. Yes.

09:16:30 17 Q. And it hits the account the next day on the 25th?

09:16:34 18 A. Yes.

09:16:34 19 Q. And that is to an entity called State Line Liquors,
09:16:38 20 right?

09:16:38 21 A. Yes, it is a blown up portion of that whole entry.

09:16:42 22 Q. I think there might be a little bit, it says
09:16:47 23 Wilmington, Delaware, and then the card. That's what it
09:16:49 24 says, State Line Liquors?

09:16:51 25 A. Yes.

Jensen - cross

09:16:52 1 Q. And it's still using that debit card, right?

09:16:54 2 A. Yes.

09:16:55 3 Q. And that one is for \$38.30?

09:16:58 4 A. Yes.

09:16:58 5 Q. And finally would you turn to page 48, the second
09:17:02 6 entry, do you see that one?

09:17:03 7 A. Yes.

09:17:03 8 Q. And that one has an authorization of October 30th;
09:17:08 9 right?

09:17:08 10 A. Yes.

09:17:08 11 Q. And it indicates a place in Wilmington; is that
09:17:12 12 right?

09:17:12 13 A. Yes.

09:17:13 14 Q. And it looks like it hits the account on the 31st,
09:17:16 15 which is the day after, right?

09:17:18 16 A. Yes.

09:17:18 17 Q. And that is for \$22.49?

09:17:22 18 A. Yes.

09:17:22 19 Q. And so what I have just taken you through, just in
09:17:25 20 the month of October, from the time he comes back to the end
09:17:28 21 of the month, I have with you identified eight separate
09:17:32 22 purchases of alcohol?

09:17:34 23 A. Yes.

09:17:38 24 Q. Yesterday I think in one of the chapters that was
09:17:41 25 played to the jury, you had indicated a line or a play to a

Jensen - cross

09:17:48 1 line where Mr. Biden was saying at a certain point he had
09:17:52 2 separated from his then wife, Kathleen Buhle?

09:17:55 3 A. Yes.

09:17:55 4 Q. And said that that had been a year ago when he was
09:18:00 5 writing?

09:18:00 6 A. Yes.

09:18:01 7 Q. They were not married in 2018, or at least they
09:18:05 8 weren't living together, they were divorced?

09:18:08 9 A. I believe that's right, I don't have a date in my
09:18:11 10 mind.

09:18:11 11 Q. You have no indication that they were living together
09:18:15 12 or were seeing each other frequently?

09:18:17 13 A. I don't -- that I don't know.

09:18:18 14 Q. But you do know that prior to 2018 they had been
09:18:22 15 divorced?

09:18:22 16 A. Yes. I believe -- yes, I know at some time, I don't
09:18:27 17 know the years, maybe between '15 and '18, but I don't have
09:18:31 18 exact dates, sorry.

09:18:31 19 Q. I would like to turn to the next set of things that
09:18:34 20 you identified yesterday, please, and that would be the
09:18:38 21 government exhibit with all the texts?

09:18:40 22 A. Yes.

09:18:40 23 Q. Can we pull up Government Exhibit 18?

09:18:43 24 A. May I go to the full version?

09:18:46 25 Q. Sure. Do you still have that in front every you?

Jensen - cross

09:18:49 1 A. Yes.

09:18:49 2 Q. Great. Is that more convenient?

09:18:52 3 A. Perhaps.

09:18:54 4 Q. Tell me when you're ready.

09:18:56 5 A. Ready.

09:18:56 6 Q. You read a number of the texts from this chain of
09:19:00 7 communications yesterday, right?

09:19:01 8 A. Yes.

09:19:02 9 Q. And then you said at one point in your testimony,
09:19:04 10 "the texts said that it was evidence of his being addicted
09:19:10 11 or using", but by that you meant that the words in the text
09:19:15 12 indicate the words "addicted" or has a reference to a
09:19:18 13 dealer, et cetera, that's what you read from yesterday,
09:19:22 14 right?

09:19:22 15 A. Yeah, but the summary chart in total was evidence of
09:19:25 16 addiction.

09:19:26 17 Q. Yes, I understand.

09:19:27 18 A. Yes.

09:19:27 19 Q. And your chart starts in April of 2018; is that
09:19:31 20 right?

09:19:31 21 A. Yes.

09:19:32 22 Q. And that's months before the purchase of the gun in
09:19:36 23 October?

09:19:37 24 A. Yes.

09:19:37 25 Q. And then it ends in March of 2019, doesn't it?

Jensen - cross

09:19:40 1 A. Yes.

09:19:41 2 Q. And that would be almost a half year after the
09:19:44 3 purchase of the gun?

09:19:45 4 A. Yes, five months.

09:19:47 5 Q. Sorry, five months. Okay. And in that period of
09:19:51 6 time, there are references to his drug use, dealers, names,
09:19:54 7 et cetera?

09:19:55 8 A. Yes.

09:19:55 9 Q. But you also, I think you said yesterday, but let me
09:20:00 10 ask you, there are references in that same exhibit that you
09:20:03 11 did similar to what I showed you in this bank about his use
09:20:07 12 of alcohol?

09:20:12 13 A. Yes.

09:20:13 14 Q. You could, for example, turn to Row 157 if you would
09:20:23 15 like. Do you see that one? I'm sorry?

09:20:41 16 A. Yes.

09:20:42 17 Q. So there are references to that as well? And in that
09:20:47 18 chart as well as what you read, I think you said yesterday,
09:20:50 19 there were various periods of time that he was neither using
09:20:53 20 alcohol or drugs in the period that you were looking at?

09:20:56 21 A. I believe that was in response to a question about
09:20:58 22 the book in total.

09:20:59 23 Q. Yes.

09:21:00 24 A. Yes. That's from my reading of the book, yes.

09:21:06 25 Q. You specifically yesterday in your direct testimony

Jensen - cross

09:21:10 1 read from two texts in your chart about the time of the
09:21:15 2 second week of October of 2018, the time of the purchase. I
09:21:20 3 would like to turn to those.

09:21:22 4 Mr. Radic, could you turn to Row 119?

09:21:29 5 Do you see that?

09:21:30 6 A. Yes.

09:21:31 7 Q. That's October the 13th of 2018 at 10:30 p.m. Now,
09:21:37 8 to start with, are the listings in this chart when it says a
09:21:42 9 time, is that an Eastern time, or I think you mentioned the
09:21:46 10 phrase UTC?

09:21:47 11 A. Yes. I think there was a mixture. In this case,
09:21:51 12 based on the bottom right portion where it says 10:30 p.m.
09:21:57 13 UTC minus four, I think that would indicate East Coast time,
09:22:00 14 so I think it's four hours off during daylight savings.

09:22:04 15 Q. So UTC is sort of like a standard geography time
09:22:09 16 thing which is measured, I think, from some location around
09:22:12 17 England, and then you figure it out from there?

09:22:14 18 A. Like Greenwich Meantime, but a little different.

09:22:20 19 Q. So depending on whether the United States is in
09:22:23 20 Eastern, Standard, or Savings time, it could either be four
09:22:26 21 or five hours?

09:22:27 22 A. Yes.

09:22:27 23 Q. This one it says 10:30 p.m. And it says to
09:22:31 24 Ms. Biden, "yes, Bernard, who hangs at 7-11! On Greenhill
09:22:37 25 and Lancaster. I'm now off Maryland Avenue behind Blue

Jensen - cross

09:22:43 1 Rocks stadium waiting for a dealer named Mookie." You read
09:22:47 2 that right?

09:22:47 3 A. Yes.

09:22:47 4 Q. Do you have any idea when he wrote this he was
09:22:50 5 actually at the 7-11 on Greenhill and Lancaster, dealing
09:22:54 6 with a guy named Mookie?

09:22:55 7 A. No.

09:22:56 8 Q. Do you know if there is a person named Mookie?

09:22:58 9 A. No.

09:22:59 10 Q. Would you turn, please, to Row 125? This is on
09:23:05 11 October 14th of 2018 and this again says 5:37 p.m., and then
09:23:10 12 in the corner it says UTC minus four, so this might be
09:23:15 13 actual Eastern time?

09:23:16 14 A. Yes.

09:23:16 15 Q. And this one you read said, "I was sleeping on a
09:23:20 16 car" -- not in -- "on a car smoking crack on 4th and
09:23:24 17 Rodney." You read that yesterday?

09:23:25 18 A. Yes.

09:23:25 19 Q. Do you have any idea whether he was on a car smoking
09:23:28 20 crack on 4th Street and Rodney when this was written to
09:23:33 21 Ms. Biden?

09:23:33 22 A. No.

09:23:35 23 Q. And then I think you read Row 152, please, Mr. Radic.
09:23:43 24 And this is after the gun had been purchased, after the gun
09:23:45 25 had been recovered, after Mr. Biden was about on his way to

Jensen - cross

09:23:49 1 Massachusetts, given the timeline?

09:23:52 2 A. Yes.

09:23:52 3 Q. Then he writes Ms. Biden and says, "I'm a liar and a
09:23:56 4 thief, and a blamer, and a user, and I'm delusional and an
09:24:00 5 addict, unlike beyond or above all other addicts that you
09:24:05 6 know and I've ruined every relationship I've ever
09:24:08 7 cherished." That's when that was written?

09:24:11 8 A. Yes.

09:24:11 9 Q. The week after the incident in which he and Ms. Biden
09:24:14 10 were interviewed by the Delaware State Police?

09:24:17 11 A. Yes. About a week.

09:24:21 12 Q. You read a lot of texts, and Mr. Hines asked you "is
09:24:25 13 that a text that you sent to DEA Agent Romig?" Do you
09:24:30 14 remember saying that?

09:24:30 15 A. Yes.

09:24:31 16 Q. I would like to go through those. If you will turn
09:24:33 17 on this same exhibit. Mr. Radic, would you turn to Row 3 on
09:24:41 18 page -- so on April of 2018, again, six months before the
09:24:49 19 gun incident; right?

09:24:50 20 A. Yes.

09:24:51 21 Q. It says -- and he's in Los Angeles?

09:24:55 22 A. Yes.

09:24:58 23 Q. And this says, by the way on the right it's at 12:47,
09:25:04 24 but I notice in the parentheses it is UTC plus zero, does
09:25:10 25 that mean this one needs to be converted to Los Angeles

Jensen - cross

09:25:14 1 time?

09:25:14 2 A. Correct. So this time of year I think would have
09:25:17 3 also been daylight savings, so I think seven hours.

09:25:20 4 Q. So this might be seven hours earlier?

09:25:23 5 A. Yes, I think that's right.

09:25:24 6 Q. Because he says if you can be hereby 6:45, I can do
09:25:29 7 another 1.4 on T O P K O D what you owe. Do you see that?

09:25:34 8 A. Yes.

09:25:34 9 Q. Mr. Radic, would you turn to Row 20 and 21, please?
09:25:40 10 Do you see those?

09:25:40 11 A. Yes.

09:25:41 12 Q. And those are pictures that you identified yesterday
09:25:43 13 that you said you also sent on to DEA agent Romig?

09:25:47 14 A. Yes.

09:25:47 15 Q. The date of that is also in April of 2018, when he is
09:25:51 16 in California?

09:25:52 17 A. Yes.

09:25:52 18 Q. If you would turn please to Row 26. That's May 6th
09:25:57 19 of 2018, and you read that and you read, "can you get baby
09:26:01 20 powder?"

09:26:02 21 A. Yes.

09:26:02 22 Q. And that's in May of 2018; right?

09:26:05 23 A. Yes.

09:26:06 24 Q. And then if you'll turn to Row 31, please? And
09:26:12 25 that's dated May 6th as well, right?

Jensen - cross

09:26:14 1 A. Yes.

09:26:14 2 Q. And it says "party favor"?

09:26:18 3 A. Yes.

09:26:18 4 Q. Still in Los Angeles; right?

09:26:21 5 A. Yes.

09:26:21 6 Q. And if you'll turn to Row 74, and this one says "you

09:26:28 7 want ten grams?" Do you see that?

09:26:30 8 A. Yes.

09:26:30 9 Q. That's now in July of 2018, correct?

09:26:34 10 A. Yes.

09:26:34 11 Q. And that's when he's still in Los Angeles?

09:26:37 12 A. Yes.

09:26:37 13 Q. It's also before you identified the time that he

09:26:40 14 entered himself, or enrolled in, or went to spend time at a

09:26:44 15 place called The View?

09:26:45 16 A. Yes.

09:26:46 17 Q. And if you'll look at August 8th on Row 87, and

09:26:52 18 that's the one you read that says, "I need more chore boy

09:26:56 19 but regardless come back in, yes"?

09:26:58 20 A. Yes.

09:26:58 21 Q. That was August 8th of 2018?

09:27:01 22 A. Yes.

09:27:02 23 Q. And again, right before he went into The View, right?

09:27:05 24 A. Yes.

09:27:05 25 Q. And then, if you'll look at Row 174, please, that

Jensen - cross

09:27:09 1 skips all the way to November of 20 -- November 27th of
09:27:14 2 2018, where he says "ounce"?

09:27:16 3 A. Yes.

09:27:16 4 Q. And that's after the incident of the gun when he was
09:27:20 5 in Massachusetts?

09:27:23 6 A. Yes.

09:27:24 7 Q. And it was Massachusetts where he was getting some
09:27:28 8 kind of therapy, do you remember that?

09:27:31 9 A. Yes. I'm only pausing, I do believe he went back and
09:27:35 10 forth a couple of times in that time frame, so don't hold me
09:27:39 11 to that actual day, but yes, generally.

09:27:41 12 Q. And nevertheless, this is now six weeks after the gun
09:27:45 13 purchase?

09:27:46 14 A. Yes.

09:27:46 15 Q. And then on Row 222. This one is one that you read,
09:27:53 16 and it is the back and forth with 62 texts on February 26th;
09:28:03 17 right?

09:28:04 18 A. Yes.

09:28:04 19 Q. And that's in 2019, not 2018 at all?

09:28:08 20 A. Yes.

09:28:08 21 Q. So that's November, December, January, February,
09:28:11 22 that's four months after the gun incident?

09:28:13 23 A. Yes.

09:28:14 24 Q. And then if you'll look at Row 271. And you see it
09:28:21 25 says the message, "I think it may be Fentan", yes?

Jensen - cross

09:28:28 1 A. Yes.

09:28:29 2 Q. And you sent that on to DEA agent Romig?

09:28:32 3 A. Yes.

09:28:32 4 Q. And that date is February 26, 2019?

09:28:35 5 A. Yes.

09:28:36 6 Q. So that's the end of the month, now approaching five
09:28:39 7 months after the gun purchase, correct?

09:28:40 8 A. Yes.

09:28:41 9 Q. And then finally, will you turn to Row 287, and that
09:28:45 10 one is, "I have a ball on me." Do you see that?

09:28:48 11 A. Yes.

09:28:48 12 Q. And that's in March of 2019?

09:28:52 13 A. Yes.

09:28:53 14 Q. So that is the full five months later, isn't it?

09:28:56 15 A. Yes.

09:28:56 16 Q. And when you looked at the period of time in -- now
09:29:02 17 if you'll turn, Mr. Radic, to Row 88.

09:29:17 18 So to your book, do you have your book in front
09:29:21 19 of you?

09:29:22 20 A. Yes.

09:29:22 21 Q. Can you glance through Row 88 through 149, those are
09:29:31 22 a few pages. Go slow, Mr. Radic.

09:30:21 23 Are you ready? Looking through those, you don't
09:30:27 24 see any references to another 1.4 in that period of time, do
09:30:31 25 you?

Jensen - cross

09:30:32 1 A. No.

09:30:32 2 Q. You don't see any references to having a photo --

09:30:35 3 there is no photos of white rocks in that period of time?

09:30:38 4 A. No.

09:30:39 5 Q. There is no reference to "baby powder" in that period

09:30:42 6 of time is there?

09:30:43 7 A. No.

09:30:43 8 Q. Or "really soft stuff"?

09:30:45 9 A. No.

09:30:46 10 Q. Or getting a "party favor"?

09:30:48 11 A. No.

09:30:48 12 Q. Or anything that talks about "grams"?

09:30:52 13 A. No.

09:30:53 14 Q. Or "chore boy"?

09:30:56 15 A. No.

09:30:56 16 Q. Or ounce?

09:30:58 17 A. No.

09:30:59 18 Q. Or one full?

09:31:02 19 A. No.

09:31:03 20 Q. Or "Fentan"?

09:31:05 21 A. No.

09:31:06 22 Q. Or "a ball"?

09:31:10 23 A. No.

09:31:11 24 Q. There is, in that period of time, no picture of a

09:31:14 25 scale?

Jensen - cross

09:31:15 1 A. No.

09:31:16 2 Q. No pictures of drugs?

09:31:22 3 A. No.

09:31:23 4 Q. And the two that you identified yesterday, that I
09:31:26 5 asked you to reidentify today is the one with Mookie behind
09:31:29 6 the 7-11, and being on a car, that's the only references you
09:31:34 7 read that has, as you called it, evidence of drug use?

09:31:47 8 A. Let me scan one more time. Yeah, I think as far as
09:31:52 9 specific, literally specific numbers, no.

09:31:55 10 Q. Yesterday you identified a line, would you go,
09:31:59 11 Mr. Radic, to Row 137.

09:32:05 12 And in this I think you identified this as being
09:32:09 13 a Safari search?

09:32:13 14 A. Yes.

09:32:13 15 Q. And it was looking for a parking garage?

09:32:16 16 A. Yes.

09:32:17 17 Q. Specifically mentions Ford Raptor?

09:32:20 18 A. Yes.

09:32:21 19 Q. And it indicates that this indication is that there
09:32:25 20 was research being done for the height of garages, I guess
09:32:30 21 to see if that car or truck would fit, right, is that your
09:32:34 22 interpretation?

09:32:34 23 A. That would be my interpretation.

09:32:36 24 Q. The entry as I said is looking at that.

09:32:39 25 Do you know whether the Ford Raptor was in New

Jensen - cross

09:32:42 1 York at that time?

09:32:43 2 A. No.

09:32:44 3 Q. If it was, do you know who got it there?

09:32:48 4 A. No. I know -- no.

09:32:51 5 Q. Do you know how Mr. Biden got to New York in that
09:32:56 6 period of time?

09:32:59 7 A. No.

09:32:59 8 Q. You know his phone was at least in New York, because
09:33:02 9 of your location data, right?

09:33:05 10 A. Based on bank statements and car usage, is the
09:33:10 11 primary way.

09:33:13 12 Q. He was in New York?

09:33:14 13 A. Yes.

09:33:14 14 Q. You don't know how he got there?

09:33:16 15 A. No. I'm pausing in my -- no.

09:33:19 16 Q. You don't know, for example, whether he drove any car
09:33:22 17 or if he did, which car?

09:33:25 18 A. No.

09:33:28 19 Q. Now, if you will, turn to page 138 -- I'm sorry,
09:33:33 20 Row 138.

09:33:34 21 Now, on this one, on October the 22nd of 2018,
09:33:38 22 there is another entry about a location. Do you see that?

09:33:42 23 A. Yes.

09:33:42 24 Q. Here I notice that you wrote, I don't think it's in
09:33:46 25 there, but you see at the bottom location data: Delaware.

Jensen - cross

09:33:52 1 Do you see that?

09:33:52 2 A. Yes.

09:33:53 3 Q. Mr. Radic, would you go back to Row 137.

09:33:56 4 You didn't put the location of that one here,
09:33:59 5 that location indication in the row I just showed you,
09:34:04 6 that's something that either you or one of your team members
09:34:07 7 added to the chart, right, as part of your summary?

09:34:09 8 A. Yes. That is right. That is exactly that.

09:34:13 9 Q. But on 137, nobody put the location data there?

09:34:16 10 A. Yes.

09:34:17 11 Q. Why?

09:34:18 12 A. I don't believe there is location data, so as part of
09:34:20 13 the metadata in the search.

09:34:24 14 Q. Itself?

09:34:24 15 A. Correct. It just happened that this particular photo
09:34:28 16 had a Lat/Long associated with the metadata.

09:34:31 17 Q. I see, but you knew from your other records, as you
09:34:34 18 just indicated before, that he was in New York at the time?

09:34:36 19 A. Correct. Yeah, so I didn't put location: Delaware,
09:34:39 20 or location: New York, on Row 137.

09:34:41 21 Q. So we can go back to 138. The 22nd, and that is at
09:34:50 22 1:51 p.m. So that would be the day before the incident in
09:34:57 23 which Ms. Biden took the gun that she found and brought it
09:35:02 24 to Janssen's?

09:35:03 25 A. Yes.

Jensen - cross

09:35:04 1 Q. And then let me ask you this. Does that indicate
09:35:14 2 that Mr. Biden was back in Delaware?

09:35:18 3 A. On its face, it does not. What it indicates is that
09:35:21 4 the camera used to take that photo, sometimes you take your
09:35:27 5 picture, you get a location with your photo, it just shows
09:35:30 6 that that picture had a location.

09:35:31 7 Q. And that location was in Delaware?

09:35:33 8 A. Correct.

09:35:33 9 Q. And it indicates that on the summary chart?

09:35:37 10 A. Correct.

09:35:37 11 Q. And if you'll then go to Row 150, that's on the 24th;
09:35:43 12 right?

09:35:48 13 A. Yes.

09:35:49 14 Q. And that indicates on the 24th, at that time,
09:35:56 15 3:53 p.m., the location data as you put down says Delaware?

09:35:59 16 A. Yes.

09:36:00 17 Q. However, this is UTC time?

09:36:15 18 A. I believe that's going to be UTC minus four.

09:36:19 19 Q. So that would be 11:53?

09:36:21 20 A. No, I think it's saying that the 3:53 --

09:36:24 21 Q. I see, you think that --

09:36:26 22 A. I think that's probably --

09:36:27 23 THE COURT: Can you please stop talking over
09:36:30 24 each other, she was talking. Go ahead.

09:36:33 25 A. I believe that's going to be local East Coast time.

Jensen - cross

09:36:37 1 Q. Okay, so we know on that day, on the 24th, the day
09:36:39 2 after, that's where this data indicates Mr. Biden is
09:36:42 3 located?

09:36:43 4 A. Yes.

09:36:46 5 Q. Did you seek to identify on the 23rd, the day that
09:36:53 6 Ms. Biden was involved in finding the gun and bringing it to
09:36:58 7 Janssen's, did you do any location identification for that
09:37:00 8 day, as to whether in the morning Mr. Biden got into a car,
09:37:05 9 drove a bit down, and then came back, did you do that?

09:37:09 10 A. No.

09:37:16 11 Q. I would like to go back to some of the texts that you
09:37:20 12 identified. Let's look again at text Row 171. The date of
09:37:25 13 this is November 27th of '18, and this is one where the
09:37:30 14 person whose writing says "what did you need?" And the date
09:37:36 15 is November, correct?

09:37:37 16 A. Yes.

09:37:37 17 Q. And that was one that you read yesterday, that's a
09:37:42 18 full month-and-a-half after the gun incident -- I'm sorry,
09:37:46 19 the purchase?

09:37:47 20 A. Yes.

09:37:48 21 Q. I'm sorry?

09:37:50 22 A. Yes.

09:37:50 23 Q. And the rest of the page is in that same month of
09:37:55 24 November of 2018; right?

09:37:57 25 A. Yes.

Jensen - cross

09:37:58 1 Q. Okay. Then if you'll go to 176, Mr. Radic, please?

09:38:03 2 That's later -- that's the next day in November; right?

09:38:06 3 A. Yes. November 28th.

09:38:08 4 Q. And the rest of that page is also at the end of

09:38:15 5 November 2018?

09:38:16 6 A. Yes.

09:38:16 7 Q. And then if you look at pages 51 through 58, if

09:38:19 8 you'll just scan over your book and look through all of

09:38:23 9 those. Mr. Radic, can you scan down through all that? 51,

09:38:28 10 52, 53, 54, 55, 56, 57, and 58. Do you see all those?

09:38:43 11 That's now getting into December of 2018, correct?

09:38:46 12 A. Yes, I just focus on the dates, but yes they're all

09:38:51 13 December 9, 2018.

09:38:52 14 Q. And that's now two months after the gun was

09:38:54 15 purchased?

09:38:54 16 A. Yes.

09:38:55 17 Q. Now, if you'll go to Row 213? And that's the one

09:39:04 18 that you identified as the scale?

09:39:05 19 A. Yes.

09:39:06 20 Q. That might be a video?

09:39:08 21 A. Yes.

09:39:09 22 Q. And that's at the end of December?

09:39:12 23 A. Yes.

09:39:12 24 Q. So that's now another, almost getting to three

09:39:18 25 months, but certainly more than two-and-a-half months after

Jensen - cross

09:39:21 1 the gun purchase?

09:39:22 2 A. Yes.

09:39:22 3 Q. And then if you'll go to Row 214. That one is dated
09:39:28 4 January 14th of 2019. That's the picture of him holding
09:39:31 5 something in his hand that you identified?

09:39:33 6 A. Yes.

09:39:34 7 Q. And that's into the next year of 2019, isn't it?

09:39:38 8 A. Yes.

09:39:39 9 Q. And that's now three months after the gun was
09:39:42 10 purchased?

09:39:43 11 A. Yes.

09:39:43 12 Q. And almost three months after it was recovered?

09:39:49 13 A. Yes.

09:39:50 14 Q. And if you'll look at Row 216, please. That one is
09:39:55 15 dated January 31st of '19. That's a picture that it has
09:40:00 16 some sort of pipe event, and you identified yesterday,
09:40:06 17 right?

09:40:07 18 A. Yes.

09:40:07 19 Q. That's a full month after December, which makes it
09:40:10 20 now four plus months from the time the gun was purchased?

09:40:13 21 A. Three-and-a-half --

09:40:17 22 Q. Three-and-a-half, almost four, I'm sorry.

09:40:20 23 A. Yes.

09:40:20 24 Q. And then 220, Row 220. Do you see that one? That's
09:40:24 25 the end of February?

Jensen - cross

09:40:25 1 A. Yes.

09:40:26 2 Q. And that one is now -- and if we look down from that
09:40:31 3 page, that's now a month after the January date I just
09:40:34 4 identified?

09:40:35 5 A. Yes.

09:40:36 6 Q. And if you'll look at rows 220, and now skim all the
09:40:40 7 way to rows 292. If you'll do that, too, Mr. Radic, scan
09:40:48 8 the page slowly to the next line, 63 to 75?

09:40:58 9 A. To scan for dates?

09:40:59 10 Q. Yes, just look at the dates, I mean yesterday you
09:41:02 11 read some, so I think you knew that. All the way to the
09:41:15 12 end. Did you see that?

09:41:16 13 A. Yes.

09:41:16 14 Q. That set that I just reacquainted you with is the
09:41:22 15 period of time where it had the 62 texts back and forth with
09:41:25 16 somebody?

09:41:25 17 A. Yes.

09:41:25 18 Q. On that one day of February 26th of '19?

09:41:28 19 A. Yes.

09:41:29 20 Q. That's nearly half-a-year after the gun was
09:41:32 21 purchased?

09:41:32 22 A. Yes.

09:41:33 23 Q. Take that down, Mr. Radic.

09:41:34 24 Yesterday you started talking about some cash
09:41:39 25 withdrawals. I would like to turn to that subject if I

Jensen - cross

09:41:43 1 might. If you'll put up Government Exhibit 27A, please.

09:41:47 2 You read from several of the bank statements
09:41:50 3 from 2018, do you recall doing that?

09:41:53 4 A. Yes.

09:41:53 5 Q. And the accounts that you used to compile the chart,
09:41:58 6 I think you identified as being more than one account?

09:42:02 7 A. Yes.

09:42:02 8 Q. So that would include his account that's in his name,
09:42:06 9 Robert Hunter Biden?

09:42:07 10 A. Yes.

09:42:08 11 Q. And it would include a business account?

09:42:10 12 A. Yes.

09:42:10 13 Q. The name of that entity was Owasco PC?

09:42:15 14 A. Yes.

09:42:15 15 Q. Do you know what Owasco PC is?

09:42:18 16 A. It was, what I know, it was an entity, a business
09:42:21 17 entity. I believe that one, at least at some point
09:42:25 18 Mr. Biden had 100 percent shareholder status in, that's
09:42:29 19 about all I know.

09:42:32 20 Q. Yesterday when you read portions of his book, and he
09:42:36 21 was talking about his time in California especially, do you
09:42:39 22 remember reading, or hearing, I'm sorry, the excerpts in
09:42:43 23 which he said people took his wallet, took his cards, he was
09:42:47 24 ripped off?

09:42:48 25 A. Yes.

Jensen - cross

09:42:48 1 Q. On any occasion when that is the case, when somebody
09:42:52 2 took his wallet or his card, can you tell whether it's he
09:42:55 3 making the withdrawal, or somebody who has his card, or
09:42:58 4 somebody who has his card to whom he gave the number when he
09:43:02 5 said he gave people money, can you tell that?

09:43:05 6 A. No, you just know the card was used, as any of us
09:43:08 7 would know, and the pin was used, so you would have had to
09:43:13 8 have the card and that pin number.

09:43:14 9 Q. On page 8, for example, you identified a couple of
09:43:21 10 these entries, September the 13th, five up from the bottom,
09:43:25 11 do you see that? The one that says 14,000?

09:43:28 12 A. Yes.

09:43:29 13 Q. And then, will you turn to the next page, Mr. Radic,
09:43:32 14 I think there is one in the middle of the page of 10,000, do
09:43:35 15 you see that?

09:43:36 16 A. Yes.

09:43:36 17 Q. And for example that one comes from the Owasco
09:43:39 18 account to the left, do you see that?

09:43:41 19 A. Yes.

09:43:41 20 Q. And then down the page, you see there is one for
09:43:44 21 5,000?

09:43:45 22 A. Yes.

09:43:45 23 Q. Yesterday Mr. Hines asked you whether or not those
09:43:49 24 conform to certain dates, including the date on
09:43:52 25 October 12th, in which the gun was purchased. Do you

Jensen - cross

09:43:55 1 remember being asked and answering that question?

09:43:58 2 A. Yes.

09:43:58 3 Q. I take it you don't have any idea what that cash, and
09:44:03 4 whether that cash was used for the gun, right?

09:44:05 5 A. All I can testify to is that I know the cash was
09:44:08 6 withdrawn, and that the gun was purchased with cash on the
09:44:11 7 same day, that's it.

09:44:12 8 Q. When you looked at his personal account, and when you
09:44:17 9 looked at the Owasco account, it has entries for deposits,
09:44:23 10 correct?

09:44:24 11 A. Yes.

09:44:27 12 Q. And it has entries for withdrawals?

09:44:29 13 A. Yes.

09:44:29 14 Q. It has entries for checks written, if there is checks
09:44:33 15 written?

09:44:33 16 A. Yes.

09:44:33 17 Q. So you can, if you wanted to, see what money was
09:44:36 18 coming in, and it might indicate from where; correct?

09:44:39 19 A. Yes.

09:44:39 20 Q. And you can see if money was withdrawn, and again, it
09:44:44 21 might indicate to where?

09:44:46 22 A. Yes.

09:44:47 23 Q. In the period of time we're talking when Mr. Biden
09:44:51 24 was still in California right before he came back to
09:44:53 25 Delaware, you identified yesterday some of the invoices from

Jensen - cross

09:44:57 1 a place called The View; right?

09:44:59 2 A. Yes.

09:45:00 3 Q. And you indicated yesterday that you also read from,
09:45:03 4 or heard read from the book that Mr. Biden was staying at a
09:45:07 5 house he rented in Malibu?

09:45:09 6 A. Yes.

09:45:09 7 Q. And so when you were doing the economic analysis, did
09:45:15 8 you at the time try to as I asked match whether or not a
09:45:21 9 withdrawal of cash or a debit matched a payment to The View?

09:45:27 10 A. I did do a full economic analysis of the bank
09:45:31 11 records, but to answer your question, I did not do a match
09:45:33 12 between the withdrawals. My only recollection yesterday was
09:45:37 13 that I did see one debit, but it was maybe only for 1,400.

09:45:43 14 Q. How about to the Malibu house that he rented, did you
09:45:47 15 try to find what house that was, how much it cost per month,
09:45:51 16 whether or not any of these matched that?

09:45:53 17 A. The only thing I can speak to is I did see -- and
09:45:56 18 again, it's out of context, there were Airbnb charges that I
09:46:01 19 have seen, but beyond that I don't have Airbnb records to go
09:46:05 20 further.

09:46:05 21 Q. If you would go back a page, Mr. Radic, to September
09:46:10 22 the 13th. Do you see the 14,000 on that page?

09:46:16 23 A. Yes.

09:46:17 24 Q. And you did look at various of the records that came
09:46:23 25 about when you testified that the government obtained data

Jensen - cross

09:46:27 1 from the Cloud, data from what was seized as a laptop at the
09:46:32 2 end of '19, you did see that? You did do that, you looked
09:46:36 3 through that material in order to concrete the chart you
09:46:39 4 did?

09:46:39 5 A. So the material I was able to access that we based
09:46:42 6 our chart on was a snapshot of extracted data from the --
09:46:48 7 from the Cloud and from the laptop. So the 18,000 pages
09:46:54 8 were primarily, almost and primarily, messages.

09:46:59 9 Q. So when you looked through the materials that you
09:47:02 10 just reviewed -- just described, do you recall that, for
09:47:06 11 example, you see an entry to an Airbnb? Did you see e-mails
09:47:11 12 which reflected the rental of an Airbnb, or a rental house
09:47:15 13 in that period of time, did you look at that?

09:47:17 14 A. I did not review e-mails, but beyond that --

09:47:21 15 Q. So beyond -- don't be sorry, I was just asking what
09:47:26 16 you did?

09:47:26 17 THE COURT: She was apologizing because you two
09:47:29 18 are still talking over each other, let me ask again, please,
09:47:32 19 both of you have a habit of doing that.

09:47:35 20 Q. Agent, I'm going to do better starting right now.

09:47:38 21 To be clear, if -- you didn't see any e-mails?

09:47:45 22 A. I did not review e-mails, beyond the few that we
09:47:49 23 discussed yesterday.

09:47:50 24 Q. Okay. I'm sorry. So you did review -- where did
09:47:54 25 those e-mails come from?

Jensen - cross

09:47:56 1 A. So the e-mails that I -- from The View, came from the
09:48:02 2 Cloud. There were e-mails from the Cloud. I did not review
09:48:05 3 the entire set of e-mails.

09:48:07 4 Q. So meaning you were looking for e-mails from the
09:48:11 5 Cloud that said The View?

09:48:14 6 A. No. I didn't review the full set that would have
09:48:18 7 been provided to investigators after the forensic analysis.

09:48:21 8 Q. So you got from somebody else the e-mails that 102,
09:48:27 9 which you identified yesterday?

09:48:29 10 A. Yes.

09:48:29 11 Q. So showing you an e-mail -- sorry, strike that.

09:48:35 12 Whoever it was that provided you the e-mails,
09:48:38 13 did they give you e-mails in the period of time we're
09:48:42 14 talking in September that reflected his renting any of the
09:48:47 15 houses that the jury heard about in California when he was
09:48:51 16 staying there?

09:48:55 17 A. No.

09:48:57 18 Q. So, for example, on your chart of this 14,000 on
09:49:04 19 October the 13th, do you see that? I'm sorry, September
09:49:08 20 the 13th, of 14,000, do you see that one?

09:49:11 21 A. Yes.

09:49:12 22 Q. That reflects he was in -- you know he was in
09:49:16 23 California then?

09:49:17 24 A. Yes.

09:49:17 25 Q. Where was he living?

Jensen - cross

09:49:19 1 A. I don't know.

09:49:20 2 Q. And if you'll turn to September, the next page,
09:49:28 3 please? The 27th. Do you see a \$10,000 withdrawal? Do you
09:49:35 4 see that one?

09:49:35 5 A. Yes.

09:49:36 6 Q. Again, did you see any invoice or rental agreement
09:49:41 7 for a house he was staying in at that period of time?

09:49:45 8 A. No.

09:49:46 9 Q. Do you know on September 27th where he was living?

09:49:52 10 A. No, just generally, not an address.

09:49:55 11 Q. Still in Los Angeles?

09:49:57 12 A. Yes.

09:49:57 13 Q. Not back yet?

09:50:02 14 Then yesterday I think I asked -- doing it now,
09:50:07 15 sorry. Do you know whether Hunter had any responsibility
09:50:10 16 when he mentioned those invoices to The View, to be paying
09:50:14 17 for his own rehabilitation, recovery, and treatment?

09:50:23 18 A. No.

09:50:25 19 Q. Okay. I think yesterday, did you hear the phrase
09:50:31 20 "sober coach"?

09:50:32 21 A. Yes. A companion.

09:50:34 22 Q. Say it again? I didn't hear you?

09:50:38 23 A. Companion.

09:50:39 24 Q. Sober companion?

09:50:40 25 A. Yes.

Jensen - cross

09:50:41 1 Q. You understand what that is?

09:50:43 2 A. Yes.

09:50:44 3 Q. A person that after a person is in treatment will be
09:50:47 4 the companion of that person in the continued process of
09:50:51 5 that person's recovery?

09:50:52 6 A. Yes.

09:50:54 7 Q. And did you do an analysis to find out how much those
09:50:59 8 individuals or treatment programs charged?

09:51:02 9 A. I have seen an invoice for the charge. I believe it
09:51:06 10 was part of the packet yesterday.

09:51:08 11 Q. Back to that. So then did you try to match that with
09:51:12 12 any of the entries on your summary chart?

09:51:16 13 A. No.

09:51:16 14 Q. One yesterday -- could you please put up Mr. Radic,
09:51:25 15 Government Exhibit 29E. You see the date of this is now
09:51:29 16 later in October of 2018?

09:51:30 17 A. Yes.

09:51:30 18 Q. And you identified that one yesterday as being the
09:51:34 19 day of the gun sale, right?

09:51:37 20 A. Yes.

09:51:38 21 Q. But as I asked you before, you have no idea whether
09:51:41 22 that was cash that he used to purchase the gun?

09:51:43 23 A. I do not know.

09:51:45 24 Q. Did you trace whether or not somebody on that same
09:51:49 25 day deposited that \$5,000?

Jensen - cross

09:51:51 1 A. No.

09:51:51 2 Q. Do you know -- did you look at members of his family,
09:51:56 3 his daughters, his sister, his former sister-in-law, to
09:52:00 4 determine whether they got that money that day?

09:52:03 5 A. No, I've never seen any records for anybody else.

09:52:07 6 Q. In what you did see in terms of financial records,
09:52:11 7 you did see transfers that Hunter made to members of his
09:52:15 8 family; right?

09:52:16 9 A. Yes.

09:52:18 10 Q. We can take that down, please.

09:52:20 11 I would like to call back up Government
09:52:23 12 Exhibit 36A. You identified this yesterday as a bank
09:52:29 13 statement from Wells Fargo ending November 30th of 2018?

09:52:36 14 A. Yes.

09:52:37 15 Q. From the Owasco account?

09:52:41 16 A. Yes.

09:52:44 17 Q. And you identified what you understood Owasco to be,
09:52:48 18 a professional, PC stands for professional corporation,
09:52:52 19 right?

09:52:52 20 A. Yes.

09:52:52 21 Q. It's an entity in which people do business. Yes?

09:52:57 22 A. Yes.

09:52:57 23 Q. And I think yesterday, you remember that Mr. Hines
09:53:00 24 asked you for the total year, how much money this bank
09:53:06 25 account reflected came in. Do you remember that? If you

Jensen - cross

09:53:13 1 turn to probably the next page, Mr. Radic, well, you have it
09:53:16 2 in front of you. Turn to the next page. Mr. Radic, can you
09:53:21 3 turn to the next page? No, that's not it. Keep going.
09:53:28 4 Yes. On that page. Do you see on the right you identified
09:53:31 5 a figure of 3,439,000 et cetera?

09:53:35 6 A. Yes.

09:53:42 7 Q. First, I don't think you were intending, but let me
09:53:44 8 make it clear, you're not suggesting that all that money was
09:53:47 9 used by him to buy drugs?

09:53:49 10 A. No.

09:53:49 11 Q. And you are describing the account as the business
09:53:54 12 account that he was using with whomever at that time?

09:53:58 13 A. Yeah, I know it to be a business account.

09:54:01 14 Q. From that analysis, you looked to see the deposits in
09:54:06 15 that year that accounted for that amount of money?

09:54:10 16 A. No, I did not.

09:54:11 17 Q. The record would reflect those, right?

09:54:16 18 A. I believe there have been records provided.

09:54:19 19 Q. But that, you understand, Owasco would be where his
09:54:22 20 income would be deposited? I mean for Owasco?

09:54:28 21 A. Yes.

09:54:28 22 Q. And where if Owasco was doing investments, investment
09:54:33 23 money would be deposited?

09:54:34 24 A. I have a very limited understanding of the inflows
09:54:37 25 and outflows of this account, so I don't want to over state

Jensen - cross

09:54:41 1 my knowledge.

09:54:42 2 Q. If you know it, great, if not, I will move on.

09:54:45 3 You did know, however, that in that amount,
09:54:49 4 there is money that's going out to other people and other
09:54:52 5 entities; right?

09:54:54 6 A. My review of the bank statements were confined
09:54:58 7 largely to this three-month period, and largely to the
09:55:01 8 exhibits that we put in, so beyond that, you know, I'm not
09:55:06 9 all that familiar.

09:55:07 10 Q. So not to belabor this, at that time, do you know who
09:55:11 11 his business partners were that he was sharing proceeds from
09:55:15 12 Owasco?

09:55:16 13 A. No.

09:55:16 14 Q. Do you know how much money he was then paying in
09:55:18 15 alimony?

09:55:19 16 A. No.

09:55:20 17 Q. Do you know how much money he was providing his
09:55:23 18 daughters for tuition or housing?

09:55:26 19 A. No.

09:55:26 20 Q. Do you know how much money he was using for his own
09:55:29 21 living expenses back on the East Coast?

09:55:32 22 A. No.

09:55:32 23 Q. Do you know how much money he was providing other
09:55:35 24 members of his family to help them?

09:55:37 25 A. No.

Jensen - cross

09:55:38 1 Q. So when Mr. Hines yesterday asked you for the total
09:55:42 2 amount that went into this business account, that doesn't
09:55:46 3 reflect where it went?

09:55:48 4 A. No.

09:55:49 5 Q. It's a big number, though?

09:55:53 6 A. Yes.

09:55:55 7 Q. That big number has any particular connection to what
09:55:59 8 happened on October 12th, as far as you can tell?

09:56:03 9 A. The size alone, no.

09:56:06 10 Q. No.

09:56:08 11 I would like to show you another document that I
09:56:10 12 was going to offer, but I think I would offer it if you
09:56:13 13 don't disagree, government's new Exhibit 44A, that you
09:56:17 14 provided this morning. Is that okay?

09:56:22 15 MR. HINES: Yes.

09:56:24 16 MR. LOWELL: Your Honor, I would like to move
09:56:27 17 the Government's Exhibit 44A into evidence, please.

09:56:30 18 THE COURT: Any objection?

09:56:30 19 MR. HINES: No objection.

09:56:31 20 THE COURT: Thank you. It's admitted.

09:56:33 21 (Government's Exhibit No. 44A was admitted into
09:56:34 22 evidence.)

09:56:34 23 BY MR. LOWELL:

09:56:34 24 Q. So this is a similar bank statement, isn't it?

09:56:38 25 A. Yes.

Jensen - cross

09:56:38 1 Q. And this one is for the Owasco LLC?

09:56:43 2 A. Yes.

09:56:43 3 Q. Which you identified. And this is for the period
09:56:46 4 ending October 31st, do you see that?

09:56:49 5 A. August 31st.

09:56:50 6 Q. I'm sorry. This period that this reflects is
09:56:56 7 activity ending August 31st of 2018?

09:57:00 8 A. Yes.

09:57:00 9 Q. Could you please turn to page 27, to the first entry?

09:57:12 10 A. Do you have a Bates number?

09:57:13 11 Q. Yes, the Bates number is 006. Do you see that?

09:57:21 12 A. Yes.

09:57:22 13 Q. That indicates that an authorization date of August
09:57:29 14 the 22nd, hitting the account on the 24th, do you see that?

09:57:33 15 A. Yes.

09:57:34 16 Q. And it's that same kind of card; right?

09:57:37 17 A. Yes.

09:57:37 18 Q. In the amount of \$5,000?

09:57:41 19 A. Yes.

09:57:42 20 Q. Is going to a place called The View?

09:57:44 21 A. Yes.

09:57:45 22 Q. And we identified The View as the rehab, recovery,
09:57:48 23 and treatment place?

09:57:49 24 A. Yes.

09:57:50 25 Q. And that is out of Mr. Biden's account?

Jensen - cross

09:57:54 1 A. Yes.

09:57:55 2 Q. Or Owasco, as the case may be?

09:57:58 3 A. Yes.

09:57:58 4 Q. On page 27, if you'll go to the third entry?

09:58:03 5 A. Yes.

09:58:03 6 Q. That is an authorization date of the 23rd.

09:58:10 7 A. Yes.

09:58:11 8 Q. And it is hitting the account, to use the phrase I'm

09:58:15 9 using, on August 27th, do you see that?

09:58:18 10 A. Yes.

09:58:18 11 Q. And that is also a debit to that same account, yes?

09:58:22 12 A. Yes.

09:58:22 13 Q. \$2,500?

09:58:23 14 A. Yes.

09:58:24 15 Q. Going to The View?

09:58:26 16 A. Yes.

09:58:27 17 Q. If you please turn to page 28. Bates would be 007,

09:58:32 18 the next one. Look at the second -- yeah, the second full,

09:58:43 19 entry, please. You see the authorization on the 24th of

09:58:46 20 August?

09:58:46 21 A. Yes.

09:58:46 22 Q. And you see it hits the account on the 28th?

09:58:49 23 A. Yes.

09:58:49 24 Q. And it's from the same account going to The View?

09:58:52 25 A. Yes.

Jensen - cross

09:59:03 1 Q. Please look at the next entry on page 28. It
09:59:07 2 indicates an authorization also on the 24th, do you see
09:59:12 3 that?
09:59:12 4 A. Yes.
09:59:13 5 Q. And hitting the account on the 28th, like the one
09:59:17 6 before?
09:59:20 7 A. Yes.
09:59:20 8 Q. And that's for \$2,500, coming out for The View?
09:59:26 9 A. Yes.
09:59:26 10 Q. And then if you'll look at page 29, which will be the
09:59:30 11 next page, 008, I mean the Bates number is 008?
09:59:34 12 A. Yes.
09:59:34 13 Q. And look at the fourth entry down.
09:59:38 14 A. Yes.
09:59:39 15 Q. That authorization is the 27th of August?
09:59:42 16 A. Yes.
09:59:43 17 Q. And this one says to Transcend Ment. Do you see
09:59:47 18 that?
09:59:47 19 A. Yes.
09:59:48 20 Q. And I think earlier you identified that as a location
09:59:51 21 for the sober companion entity?
09:59:54 22 A. Yes.
09:59:54 23 Q. And that's \$4,000? Coming out of his account?
10:00:03 24 A. Yes.
10:00:04 25 Q. And then if you'll turn to page 29, which is also

Jensen - cross

10:00:08 1 there, the next entry, authorization on the 27th?

10:00:14 2 A. Yes.

10:00:15 3 Q. And the account hitting at the 29th, two days later?

10:00:20 4 A. Yes.

10:00:20 5 Q. That's another \$2,000 going to Transcend Ment.,
10:00:25 6 right?

10:00:25 7 A. Yes.

10:00:26 8 Q. And then if you'll look at the same page, the last
10:00:29 9 entry, on the 29th on the left, authorization on the 28th?

10:00:35 10 A. Yes.

10:00:35 11 Q. That is a \$1,200 going to The View from that same
10:00:41 12 account?

10:00:44 13 A. Yes.

10:00:45 14 Q. And if, Mr. Radic, could you put up Government
10:00:49 15 Exhibit 31?

10:00:51 16 And if you'll go to page 14. The last entry,
10:01:09 17 page 14 -- I just saw it, maybe it's the one before it.

10:01:18 18 Here it is right there. Would you highlight that, please?

10:01:22 19 And you see that it is to an entity called
10:01:28 20 Transcend Ment, again?

10:01:28 21 A. Yes.

10:01:29 22 Q. And it's authorized on the sixth, the left side says
10:01:34 23 on the seventh, do you see that?

10:01:36 24 A. Yes.

10:01:37 25 Q. That's another \$2,400?

Jensen - cross

10:01:39 1 A. Yes.

10:01:39 2 Q. If you add up what I just did, for example, 5,000
10:01:43 3 plus 2,500, plus 5,000, plus 2,400, plus 2,500, plus 4,000,
10:01:50 4 plus 2,000, plus 1,200, plus \$2,400, quite a lot of
10:01:55 5 thousands, right, in that period of time?

10:01:57 6 A. Yes.

10:01:58 7 Q. From his account?

10:01:59 8 A. Yes.

10:01:59 9 Q. Going to that facility for recovery?

10:02:02 10 A. Yes.

10:02:03 11 Q. Can you take that down now, please?

10:02:07 12 Yesterday in your testimony you identified
10:02:11 13 Government Exhibit 6. Would you put that up?

10:02:14 14 You identified this as an e-mail. You said that
10:02:18 15 you had seen a few e-mails, I think this is one.

10:02:21 16 A. Yes.

10:02:23 17 Q. Sorry, what did I say wrong?

10:02:25 18 A. Yes, this is an e-mail separate from an iCloud
10:02:28 19 e-mail, this is an e-mail that was recovered from StarQuest
10:02:33 20 Shooters.

10:02:33 21 Q. I didn't ask where that's from, but you just
10:02:38 22 clarified that. Thank you. You see this is an e-mail that
10:02:40 23 you identified, right?

10:02:41 24 A. Yes.

10:02:42 25 Q. You see the top right it says October 26, 2018?

Jensen - cross

10:02:45 1 A. Yes.

10:02:45 2 Q. Does that indicate the date it was sent?

10:02:49 3 A. I believe it does. But I'm basing that on the other
10:02:52 4 e-mail that's contained in Exhibit 8 or 9.

10:02:56 5 Q. And the gun purchase itself was on the 12th, right?

10:02:59 6 A. Yes.

10:02:59 7 Q. That was 14 days before?

10:03:02 8 A. Yes.

10:03:03 9 Q. So this is sent 14 days after; right?

10:03:06 10 A. Yes.

10:03:06 11 Q. This is sent three days after the incident in which
10:03:11 12 the gun was thrown out and then recover -- no, not recovered
10:03:15 13 that day, that's the day it was thrown out, three days?

10:03:18 14 A. Yes.

10:03:19 15 Q. Now, do you know whether the form as it was sent on
10:03:24 16 October 26th was the way it was filled out on October 12th?

10:03:31 17 MR. HINES: Objection.

10:03:34 18 THE COURT: She can answer that. What was the
10:03:38 19 question?

10:03:39 20 Q. The question was: Did she know whether the form that
10:03:42 21 was sent on the 26th is the same as it was on October 12th?

10:03:47 22 THE COURT: Okay. You can answer that yes or
10:03:51 23 no.

10:03:51 24 THE WITNESS: Yes.

10:03:53 25 BY MR. LOWELL:

Jensen - cross

10:03:54 1 Q. You know that? How would you know what happened to a
10:03:59 2 form between the 12th and the 26th, unless you saw it on the
10:04:02 3 12th?

10:04:03 4 MR. HINES: Objection, hearsay.

10:04:05 5 THE COURT: Okay. So let's just have a quick
10:04:08 6 side-bar.

10:06:41 7 (Side-bar discussion:)

10:06:41 8 MR. HINES: So she's interviewed witnesses who
10:06:41 9 have described this form, so you're not asking a question
10:06:41 10 that's clear, it's hearsay, she knows it because of her
10:06:41 11 experiences with these witnesses and reviewing other
10:06:41 12 information in this case, she wasn't there, she wasn't a
10:06:41 13 percipient witness at the time, so if question is causing
10:06:41 14 that answer.

10:06:41 15 THE COURT: What do we do now, because she said
10:06:41 16 yes, and he's saying well you don't actually know, and she's
10:06:41 17 going to say I do know because of hearsay, so where do we go
10:06:42 18 from now because --

10:06:42 19 MR. LOWELL: I can strike the question and ask
10:06:42 20 her was she there at the time to know what was done on the
10:06:42 21 12th, or I don't mind going into it, but that would get us
10:06:42 22 into a shaky area, I'm happy --

10:06:42 23 MR. HINES: It's been excluded.

10:06:42 24 MR. LOWELL: So then I will --

10:06:42 25 THE COURT: Well, no, he's asking between the --

Jensen - cross

10:06:42 1 the form that was on the 12th.

10:06:42 2 MR. HINES: Right.

10:06:42 3 THE COURT: We know what the form on the 26th
10:06:42 4 is.

10:06:42 5 MR. HINES: Right.

10:06:42 6 THE COURT: So what I'm not understanding is
10:06:42 7 what's been excluded is a form that at some point it was not
10:06:42 8 the one on the 26th, was edited. So what I'm not
10:06:42 9 understanding is why does this get into that, when you say
10:06:42 10 it was excluded. I didn't think I excluded anything between
10:06:42 11 the 12th and the 26th.

10:06:42 12 MR. HINES: There is no evidence of alteration
10:06:42 13 between the 12th and the 26th, and Ms. Jensen has talked to
10:06:42 14 the witness, Mr. Cleveland, who was there to say the form
10:06:42 15 exists on the 26th as it did the same on the 12th, I think
10:06:42 16 the issue is it's going to elicit hearsay, anything beyond
10:06:42 17 that, I want to make sure we're not getting into the altered
10:06:42 18 form.

10:06:42 19 MR. LOWELL: If it makes it clear, what she
10:06:42 20 knows, she knows from witnesses or I'm just striking the
10:06:42 21 question, and asking her was she there to know what happened
10:06:42 22 on the 12th.

10:06:42 23 MR. HINES: I think making it clear like you
10:06:42 24 have interviewed witnesses so you know that's the same form
10:06:42 25 but beyond that you weren't there on the 12th.

Jensen - cross

10:06:42 1 MR. LOWELL: Okay. I can strike it.

10:06:44 2 THE COURT: Thank you.

10:06:45 3 BY MR. LOWELL:

10:06:46 4 Q. Agent, where we left off was I asked you whether or
10:06:48 5 not between the 12th and the 26th, is the form on the 26th,
10:06:54 6 and I asked I think is it the same as it was on the 12th,
10:06:58 7 and you answered -- whatever you answered, you know based on
10:07:01 8 what witnesses say, but not your own observations, is that
10:07:06 9 right?

10:07:06 10 A. Yes.

10:07:07 11 Q. Do you know on October 26th, when this form was sent
10:07:11 12 to Mr. Reisch, as we identified yesterday, why that was sent
10:07:17 13 on that particular day? That's three days after the gun was
10:07:24 14 reported having been stolen, missing, right?

10:07:26 15 A. I believe it was in relation to the investigation
10:07:28 16 into the gun.

10:07:30 17 Q. To try to find the serial number of the gun, to try
10:07:33 18 to figure out where it was?

10:07:34 19 A. That, I don't know.

10:07:35 20 Q. But you know it was three days later?

10:07:38 21 A. Yes.

10:07:38 22 Q. And yesterday you also went through some of the form
10:07:42 23 that Mr. Hines showed you. Could you pull up Government
10:07:45 24 Exhibit 7A? Do you remember identifying this yesterday?

10:07:51 25 A. Yes.

Jensen - cross

10:07:53 1 MR. HINES: Objection. This exhibit should be
10:07:56 2 10.

10:07:57 3 MR. LOWELL: I don't mind doing 10A.

10:08:00 4 MR. HINES: Not 7A.

10:08:01 5 MR. LOWELL: 7A is what was attached to --

10:08:06 6 I'm sorry, Judge, I just got confused. Would
10:08:10 7 you take down 7A and would you put up 10A.

10:08:13 8 BY MR. LOWELL:

10:08:14 9 Q. Okay. This page looks as you identified it
10:08:18 10 yesterday?

10:08:20 11 A. Yes. Yes.

10:08:23 12 Q. On this page, yesterday you said, "the defendant
10:08:28 13 checked the boxes." Do you see that -- I mean, do you
10:08:31 14 remember saying that? Do you know whether the defendant
10:08:39 15 checked those boxes? I mean, from your own observation, not
10:08:45 16 from a witness who says that's what happened?

10:08:47 17 A. No. Not from my own observation.

10:08:52 18 Q. Okay. Mr. Hines, yesterday, had you compare the
10:08:56 19 signature on page 2 of 10(a). Can we go to page 2? And you
10:09:02 20 saw that; right?

10:09:04 21 A. Yes.

10:09:04 22 Q. And then he had you compare that to the signature on
10:09:07 23 the bank form of the \$5,000, do you remember that?

10:09:14 24 A. Yes.

10:09:15 25 Q. And he asked you whether or not, I don't remember

Jensen - cross

10:09:17 1 what the question was, but you said they were similar right?

10:09:20 2 A. Yes.

10:09:20 3 Q. Did you do a handwriting analysis of that?

10:09:22 4 A. No, I'm not qualified as a handwriting expert, it's
10:09:26 5 just an individual observation, as anyone else would make.

10:09:30 6 Q. If you go back to the previous page. Mr. Hines and
10:09:33 7 you -- and he identified for you question number E, letter
10:09:38 8 E, where it says "are you an unlawful user or", do you see
10:09:42 9 that?

10:09:43 10 A. Yes.

10:09:43 11 Q. And asked if the box was checked, and you indicated
10:09:46 12 it was, and it was checked "no". Right?

10:09:49 13 A. Yes.

10:09:50 14 Q. Do you see on the form the letter C?

10:09:57 15 A. Yes.

10:09:57 16 Q. That one reads, "have you ever been". Do you see
10:10:00 17 that one?

10:10:01 18 A. Yes.

10:10:01 19 Q. And if you'll look at F, does that one say "have you
10:10:05 20 ever been"?

10:10:05 21 A. Yes.

10:10:07 22 Q. And G says, "have you", right?

10:10:11 23 A. Yes.

10:10:11 24 Q. And I says "have you"?

10:10:15 25 A. Yes.

Jensen - cross

10:10:16 1 Q. But E says, "are you"?

10:10:20 2 A. Yes.

10:10:27 3 Q. If you'll turn to page 10 of 10A. This is -- yes,
10:10:35 4 okay.

10:10:36 5 Now, on this form I would like you to look at
10:10:40 6 it, you see the top part is in black ink, do you see that?

10:10:46 7 A. Yes.

10:10:46 8 Q. And you see that next to the signature is a date?

10:10:49 9 A. Yes.

10:10:50 10 Q. And you see that the date says 10.12.18?

10:10:58 11 A. Yes.

10:10:59 12 Q. And now if you'll look at 18(a), where it says U.S.
10:11:04 13 passport, do you see that?

10:11:06 14 A. Yes.

10:11:07 15 Q. And you see there is a 01?

10:11:10 16 A. Yes.

10:11:10 17 Q. 05?

10:11:13 18 A. Yes.

10:11:13 19 Q. 2027?

10:11:16 20 A. Yes.

10:11:16 21 Q. Do you see the way the zero is written there?

10:11:20 22 A. Yes.

10:11:20 23 Q. Do you see it has a slash in it?

10:11:22 24 A. Yes.

10:11:22 25 Q. If you look back to the date next to the signature.

Jensen - cross

10:11:27 1 Do you see the see there?

10:11:28 2 A. No.

10:11:28 3 Q. I'm sorry, do you see the zero?

10:11:30 4 A. I see the zero, I do not see the slash.

10:11:33 5 Q. But it does not have the slash in it, right?

10:11:36 6 A. Yes.

10:11:36 7 Q. And then you see the date above where the

10:11:38 8 certification is, it just uses the last two numbers, 18?

10:11:42 9 A. Yes.

10:11:42 10 Q. And then the U.S. passport line, it has the full

10:11:46 11 year, do you see that?

10:11:50 12 A. Yes.

10:11:51 13 Q. And then in 19a, do you see a date, and it's

10:12:01 14 10/12/2018, do you see that?

10:12:01 15 A. Yes.

10:12:02 16 Q. And then next to it is numbers; right?

10:12:04 17 A. Yes.

10:12:04 18 Q. And it includes zeros?

10:12:06 19 A. Yes.

10:12:06 20 Q. And those zeros have that slash mark, too?

10:12:09 21 A. Yes.

10:12:09 22 Q. And it's written in red ink?

10:12:13 23 A. Yes.

10:12:13 24 Q. And it says Proceed?

10:12:15 25 A. Yes.

Jensen - cross

10:12:16 1 Q. And that is a different ink color than the date
10:12:21 2 above?

10:12:21 3 A. Yes.

10:12:22 4 Q. And it's a different -- I'm sorry, but it has that
10:12:26 5 same slashes in both?

10:12:29 6 A. Yes.

10:12:30 7 Q. The slash across the O?

10:12:31 8 A. Yes.

10:12:32 9 Q. And then in 19G it has a name. What's that name?

10:12:35 10 A. Jason V. Turner.

10:12:38 11 Q. Do you know whether Jason V. Turner wrote Jason V.
10:12:42 12 Turner on this document, or somebody else?

10:12:47 13 A. I can answer that with that same basis.

10:12:50 14 Q. Yeah, if you know the answer?

10:12:51 15 A. Yes.

10:12:51 16 Q. Is that based on what a witness said?

10:12:55 17 A. Yes.

10:12:55 18 Q. Can we go further down? And we go to the next page.
10:13:02 19 And do you see the entry there, it has Colt MFG Co.?

10:13:11 20 A. Yes.

10:13:12 21 Q. And that -- does that, given what you said yesterday
10:13:15 22 about comparing, does that look like the same handwriting as
10:13:18 23 the person who wrote the 100 with the slash? If you can.

10:13:40 24 A. I don't know.

10:13:41 25 MR. HINES: Your Honor, I would object, I don't

Jensen - cross

10:13:43 1 see a zero in there.

10:13:45 2 MR. LOWELL: I didn't ask about a zero, I asked
10:13:48 3 about any of it, can she look at that and indicate whether
10:13:52 4 or not it looks like the same handwriting as the person who
10:13:55 5 wrote the other one, and if she can, great.

10:14:04 6 A. I don't think I can say what I think --

10:14:07 7 Q. I'm sorry, I can't hear you in the mic?

10:14:09 8 A. I'm sorry, I don't think I can say either way.

10:14:12 9 Q. Would you keep on going down the page, Mr. Radic.

10:14:16 10 And then at the bottom, you'll see line 34. Do you see that
10:14:19 11 one?

10:14:19 12 A. Yes.

10:14:19 13 Q. Now that's not in the same color as the other two, is
10:14:24 14 it?

10:14:24 15 A. No.

10:14:25 16 Q. That's blue?

10:14:26 17 A. Yes.

10:14:26 18 Q. And that says Gordon T. Cleveland; right?

10:14:30 19 A. Yes.

10:14:30 20 Q. Signature, right?

10:14:32 21 A. Yes.

10:14:32 22 Q. Transfer's a title of sale, right?

10:14:38 23 A. Yes.

10:14:39 24 Q. And then you see the ink color changes again to red,
10:14:44 25 do you see that?

Jensen - cross

10:14:44 1 A. Yes.

10:14:45 2 Q. If you look at that 10102018, Mr. Radic, if you go up
10:14:51 3 the page to where that 0 is slashed again to the page
10:14:54 4 before, looks like that one, right?

10:14:57 5 A. Yes.

10:14:59 6 Q. From other than what people have told you, do you
10:15:03 7 know the sequence of events that occurred on October 12th,
10:15:07 8 2018, when Hunter went into the StarQuest Shooters, other
10:15:11 9 than what people have told you?

10:15:12 10 A. No.

10:15:13 11 Q. Take that down.

10:15:14 12 Yesterday when you were going through the data
10:15:21 13 from which you compiled your summary charts, you indicated
10:15:26 14 the sequence of events in which it was acquired by, from
10:15:31 15 Apple, right?

10:15:31 16 A. Yes.

10:15:31 17 Q. And you described the Cloud, right?

10:15:34 18 A. Yes.

10:15:34 19 Q. And you mentioned the subpoena and a laptop device
10:15:39 20 that was obtained at the end of 2019?

10:15:41 21 A. Yes.

10:15:42 22 Q. And that found its way on to the -- I'm not good at
10:15:47 23 this, the media, the hard drive, et cetera, that Mr. Hines
10:15:50 24 held up to you and asked you to identify?

10:15:52 25 A. The iCloud, right, the iCloud returned from Apple

Jensen - cross

10:15:56 1 ended up on that hard drive.

10:15:57 2 Q. What about the data that came from what was retrieved
10:16:01 3 at the end of 2019, where did that go?

10:16:03 4 A. The data that -- there was a laptop and an external
10:16:08 5 hard drive seized that day. They were ultimately analyzed
10:16:13 6 by the FBI, and then -- I know an image of the external hard
10:16:22 7 drive was done, an image file was made. And then there were
10:16:30 8 extractions down from the laptop and a regional forensic
10:16:35 9 computer lab in Philadelphia.

10:16:36 10 Q. You have no reason to believe the time the FBI
10:16:41 11 acquired the data from Apple, or what you just described,
10:16:44 12 they changed any part of it, right?

10:16:46 13 A. Forensic examiners?

10:16:49 14 Q. Yes, the FBI, they didn't change anything that you
10:16:52 15 know of, did they?

10:16:53 16 A. No, I have a small basis of my understanding of how
10:16:56 17 they work, I know they do a lot -- they create images files
10:16:59 18 of what would be considered the original data, so it doesn't
10:17:03 19 change the original data, but beyond that, I'm providing
10:17:06 20 what I know.

10:17:07 21 Q. And the material that came into evidence that you
10:17:09 22 discussed with Mr. Hines yesterday, as far as you know is
10:17:12 23 the way the FBI obtained it?

10:17:14 24 A. Yes.

10:17:14 25 Q. And you indicated what you know about what they did

Jensen - cross

10:17:18 1 with it, but you have no reason to believe the material that
10:17:21 2 you just described yesterday, and I asked you about today,
10:17:25 3 had been changed, altered, it was authentic as you
10:17:29 4 understood it?

10:17:30 5 A. What I can speak to is when we obtain the data.

10:17:33 6 Q. Yes?

10:17:34 7 A. It was authentic from that point forward.

10:17:36 8 Q. And then when you provided it to us in discovery,
10:17:39 9 discovery meaning you provided material to the defense,
10:17:42 10 that's the way it was sent, in the same way that you
10:17:46 11 retrieved it?

10:17:47 12 A. My understanding is you received copies both of our
10:17:51 13 extraction reports and of the full forensic images of the
10:17:55 14 original data.

10:17:56 15 Q. I think you said, I don't know that you identified,
10:17:59 16 that as to the device, the laptop, it came into the
10:18:03 17 possession of the government in December of 2019?

10:18:06 18 A. Yes.

10:18:07 19 Q. You understand that from the invoice that you showed
10:18:13 20 about a repair shop that it was brought, according to the
10:18:19 21 owner, in April of that year?

10:18:21 22 A. Yes. The invoice is dated in April.

10:18:25 23 Q. So can you tell what happened between the time the
10:18:32 24 invoice indicates that device was brought to the shop and
10:18:37 25 when the FBI acquired it six months later?

Jensen - cross

10:18:42 1 A. No.

10:18:47 2 Q. You are aware from your investigation that the person
10:18:52 3 who claims to have gotten it in April indicates he made
10:18:56 4 copies --

10:18:56 5 MR. HINES: Objection.

10:18:58 6 MR. LOWELL: I'll withdraw the question.

10:19:02 7 THE COURT: Sustained.

10:19:05 8 BY MR. LOWELL:

10:19:06 9 Q. Will you put up Government Exhibit 40? So this is an
10:19:13 10 invoice you identified yesterday, and I referred to, dated
10:19:16 11 the 17th; right?

10:19:18 12 A. Yes.

10:19:19 13 Q. And you indicated that that's one of the things you
10:19:22 14 obtained from the data that was recovered and that was
10:19:26 15 extracted and that you had reviewed?

10:19:28 16 A. Yes.

10:19:28 17 Q. And the date of this is the 17th; right?

10:19:32 18 A. The date of the e-mail is the 17th.

10:19:35 19 Q. But you know from your investigation that the person
10:19:38 20 who sent this indicates that he got this device five days
10:19:42 21 before?

10:19:43 22 A. I know from the investigation that yes, it was
10:19:48 23 reported that it was April 12th.

10:19:53 24 Q. Do you have any notion of what happened in that
10:19:58 25 device between April the 12th, where your investigation

Jensen - cross

10:20:02 1 indicates that's when the person acquired it, and April 17th
10:20:05 2 when he sent the invoice?

10:20:09 3 A. I have some knowledge, but it's through somebody
10:20:13 4 else's statements.

10:20:14 5 Q. So no firsthand knowledge?

10:20:16 6 A. No firsthand knowledge.

10:20:24 7 Q. Now, the last point on this. If the person acquired
10:20:29 8 it in April, and the FBI says it acquired that in December,
10:20:36 9 six months later, did your investigation indicate whether
10:20:41 10 what was put on that machine in April was the way it was
10:20:46 11 originally done by Hunter before then?

10:20:52 12 A. I'm sorry, ask that one more time.

10:20:54 13 Q. I didn't say that right. Benchmarks. April 2019,
10:20:59 14 the person says "I got the device." Right?

10:21:02 15 A. Yes.

10:21:02 16 Q. December of 2019, the FBI acquires it?

10:21:06 17 A. Yes.

10:21:06 18 Q. What I'm asking is, did you do an analysis to
10:21:10 19 determine whether on the date that this person says he got
10:21:13 20 it, the data he got was in the format, content, or in any
10:21:19 21 way what had originally been put there by Mr. Biden?

10:21:23 22 A. You're asking if on the 12th the person that received
10:21:27 23 it?

10:21:27 24 Q. I'm asking whatever that person got on the 12th, was
10:21:32 25 the way it was originally put, do you know? Did you do an

Jensen - redirect

10:21:36 1 analysis? Did you find out whether any of the files had
10:21:39 2 been tampered with, added to, or subtracted?

10:21:43 3 A. I did not. Right, I did not.

10:21:45 4 Q. At the end, I ask you agent, so you came on the
10:21:50 5 investigation in the fall of 2023?

10:21:52 6 A. Yes.

10:21:53 7 Q. That was five years after the gun was purchased;
10:21:56 8 right?

10:21:56 9 A. Yes.

10:21:56 10 Q. And discarded; right?

10:21:59 11 A. Yes.

10:22:00 12 Q. Two years after Mr. Biden wrote -- sorry, two years
10:22:04 13 after Mr. Biden published Beautiful Things; right? But to
10:22:09 14 be clear on the things you testified, none of that is what
10:22:12 15 you know from your firsthand knowledge about what happened
10:22:15 16 in 2018; is that right?

10:22:17 17 A. I --

10:22:19 18 Q. None of that is from what you knew firsthand in 2018,
10:22:23 19 from what you saw in 2018?

10:22:26 20 A. Correct.

10:22:28 21 MR. LOWELL: Pass the witness, Judge.

10:22:30 22 THE COURT: Thank you. Redirect.

10:22:33 23 REDIRECT EXAMINATION

10:22:34 24 BY MR. HINES:

10:22:37 25 Q. Agent Jensen, picking up where Mr. Lowell left off,

Jensen - redirect

10:22:40 1 yesterday you introduced Government Exhibit 16, the laptop;
10:22:44 2 correct?

10:22:45 3 A. Yes.

10:22:45 4 Q. And Mr. Lowell was asking you some questions there
10:22:48 5 about whether you knew anything about tampering or something
10:22:51 6 like that, for all his questions just now?

10:22:55 7 A. Yes.

10:22:55 8 Q. Have you seen any evidence whatsoever from the data
10:22:58 9 you reviewed from this laptop to suggest that there was
10:23:02 10 tampering?

10:23:02 11 A. No.

10:23:03 12 Q. Does the serial number on the laptop, as you
10:23:05 13 discussed in your testimony yesterday, match the serial
10:23:08 14 number registered with Mr. Biden's iCloud account?

10:23:12 15 A. Yes.

10:23:12 16 Q. Now, we also discussed yesterday the iCloud account,
10:23:21 17 and you indicated the data you received from that has been
10:23:24 18 derived from Government's Exhibit 15; correct?

10:23:27 19 A. Yes.

10:23:28 20 Q. When was Apple directed to preserve this data?

10:23:32 21 A. I believe the initial preservation was April 11th,
10:23:37 22 2019.

10:23:37 23 Q. So even the day before Mr. Biden dropped off his
10:23:41 24 laptop at the MAC Store for a repair, correct?

10:23:45 25 A. The day before April 12th, yes.

Jensen - redirect

10:23:47 1 Q. And this is an independent source from the laptop, it
10:23:51 2 comes from Apple directly, right?

10:23:53 3 A. Yes. Unrelated to the laptop.

10:23:55 4 Q. Now, turning to the summary chart we showed you
10:23:58 5 yesterday, which Mr. Lowell asked you some questions about,
10:24:01 6 Exhibit 18, we can display the first page of that, please.
10:24:10 7 We discussed yesterday the first 20 some pages of this, are
10:24:15 8 all from Apple; correct?

10:24:21 9 A. Yes.

10:24:24 10 Q. And now the messages beginning on page 31, between
10:24:34 11 Mr. Biden and Ms. Biden, Hallie Biden, the source says
10:24:39 12 laptop. Is that what it says there for the source?

10:24:41 13 A. Yes.

10:24:41 14 Q. Now we skipped over those yesterday, you understand
10:24:45 15 that Ms. Biden has been served with a subpoena, correct?

10:24:50 16 A. Yes.

10:24:50 17 Q. Is it your understanding she's going to testify about
10:24:53 18 those messages that come from the laptop?

10:24:56 19 A. Yes.

10:24:59 20 Q. Mr. Lowell asked you some questions between yesterday
10:25:02 21 and today about messages that preceded October 2018, and
10:25:09 22 then postdated October 2018. Do you remember those series
10:25:13 23 of questions?

10:25:14 24 A. Yes.

10:25:14 25 Q. He was asking you about some of the language that you

Jensen - redirect

10:25:17 1 sent off to Agent Romig, ball, Fentanyl, 1.4, 10 grams,
10:25:26 2 things of that nature, correct?

10:25:28 3 A. Yes.

10:25:28 4 Q. Now, the summary chart you prepared, Government's
10:25:34 5 Exhibit 18, these are just a summary of some of the
10:25:37 6 messages, right?

10:25:37 7 A. Yes.

10:25:38 8 Q. Some of the messages you didn't need to send off to
10:25:41 9 Agent Romig for interpretation; correct?

10:25:44 10 A. Yes.

10:25:45 11 Q. Now, directing your attention to Government's
10:25:47 12 Exhibit 18, Row 125, page 38, was the message in which
10:26:06 13 Mr. Biden told Hallie Biden, "I was sleeping on a car
10:26:10 14 smoking crack on 4th Street and Rodney", one that you needed
10:26:14 15 to send off to the DEA for interpretation?

10:26:16 16 A. We sent it off for interpretation.

10:26:19 17 Q. But you understand what that means right there,
10:26:21 18 right?

10:26:22 19 A. I have a drug investigation background, so yes.

10:26:24 20 Q. Crack is crack?

10:26:26 21 A. Yes.

10:26:27 22 Q. Now, Mr. Lowell, between yesterday and today, asked
10:26:33 23 you a series of questions about the financial analysis that
10:26:36 24 you and investigators did in Exhibit 27A. And the cash
10:26:42 25 withdrawals. Do you remember those series of questions both

Jensen - redirect

10:26:45 1 about potential payments to The View, and possible payments
10:26:50 2 for liquor?

10:26:51 3 A. Yes.

10:26:52 4 MR. LOWELL: Objection to the use of possible
10:26:54 5 and potential, given what we have identified on the bank
10:26:57 6 record.

10:27:02 7 MR. HINES: I can rephrase.

10:27:04 8 THE COURT: Please rephrase.

10:27:06 9 BY MR. HINES:

10:27:06 10 Q. Can we pull up 27(a) please? As Mr. Lowell said, you
10:27:10 11 were shown some bank records by him today during your
10:27:13 12 testimony; right?

10:27:14 13 A. Yes.

10:27:15 14 Q. And those bank records show payments to The View;
10:27:18 15 right?

10:27:19 16 A. Yes.

10:27:19 17 Q. Are any of those payments that we went over in the
10:27:23 18 bank records reflected in the cash withdrawals in
10:27:26 19 Exhibit 27A?

10:27:29 20 A. I believe those are debits in August, primarily.
10:27:33 21 Like check card payments versus cash withdrawals.

10:27:36 22 Q. We're going to go through them right now. So let's
10:27:40 23 go to 44A, please, the new exhibit that Mr. Lowell
10:27:45 24 introduced today that we added. Could you please go to
10:27:51 25 page 29 of the PDF? And could you zoom in on the \$5,000

Jensen - redirect

10:28:01 1 payment on the top, the whole row, please.

10:28:10 2 Now, when Mr. Lowell asked you about this
10:28:13 3 question, he didn't ask you about what kind of transaction
10:28:15 4 it was. What does the transaction reflect for this payment
10:28:19 5 to The View?

10:28:20 6 A. It says type, Visa check card.

10:28:23 7 Q. Is that different from a cash withdrawal, as
10:28:27 8 reflected in your analysis 27(a)?

10:28:31 9 A. Yes.

10:28:32 10 Q. Now, directing your attention to the next payment to
10:28:35 11 The View, do you see page 29 of the PDF, which is page 27 of
10:28:44 12 the statement. You had it a second ago, Ms. Vo?

10:28:48 13 A. The entry two below.

10:28:50 14 Q. Yeah, the entry two below, can you zoom in on that.
10:28:54 15 How is this next payment to The View played?

10:28:56 16 A. Similar, it's a Visa check card.

10:28:59 17 Q. So is this another card transaction, as opposed to an
10:29:03 18 ATM withdrawal?

10:29:05 19 A. Yes.

10:29:05 20 Q. Turning to the next payment to The View on 8/24,
10:29:12 21 looking at page 29 of the PDF, page 27 of the payment, of
10:29:17 22 the statement. Do you see a transaction for \$1,200 there?

10:29:32 23 A. Yes.

10:29:33 24 Q. What kind of transaction is that?

10:29:36 25 A. Visa check card.

Jensen - redirect

10:29:37 1 Q. So again, is this a transaction that isn't reflected
10:29:40 2 in your cash withdrawal analysis because this is a Visa
10:29:44 3 check card payment?

10:29:45 4 A. Yes.

10:29:47 5 Q. And also the dates here, I want to take a moment to
10:29:51 6 look at. The dates of these transactions we looked at so
10:29:54 7 far are in August of 2018; correct?

10:29:58 8 A. Yes.

10:29:59 9 Q. So contemporaneous with his stays at the rehab
10:30:05 10 facility; right?

10:30:06 11 A. Yes.

10:30:07 12 Q. The analysis you did in 27(a) is for cash withdrawals
10:30:11 13 between September and November of 2018; correct?

10:30:15 14 A. Yes.

10:30:15 15 Q. Now, looking at the next payment, page 30 -- actually
10:30:30 16 page 28 of the statement. Do you see another payment here
10:30:35 17 for \$5,000 and then \$2,500 to The View? Do you see those
10:30:44 18 payments there?

10:30:45 19 A. Yes.

10:30:46 20 Q. What kind of payments were those?

10:30:48 21 A. They both reflect that they were Visa check cards.

10:30:52 22 Q. So again, not ATM withdrawals; correct?

10:30:56 23 A. Correct.

10:30:56 24 Q. Let's look at the next entry. Do you recall
10:30:59 25 Mr. Lowell asking you questions whether Mr. Biden could have

Jensen - redirect

10:31:03 1 paid with an Airbnb, with all that cash he withdraw in the
10:31:08 2 months that followed, do you remember him asking you a
10:31:11 3 series of questions about that?

10:31:12 4 A. Yes.

10:31:12 5 Q. What does that line item show for an Airbnb
10:31:17 6 transaction around the time he's at The View, specifically
10:31:22 7 directing you to the one on 8/28?

10:31:26 8 A. The one on 8/26, posted on -- posted on 8/28, it's an
10:31:33 9 Airbnb.

10:31:34 10 Q. What is the amount of that transaction for the
10:31:38 11 Airbnb?

10:31:38 12 A. \$1,712.88.

10:31:42 13 Q. How did Mr. Biden make that payment for that Airbnb
10:31:45 14 around the time of his rehab?

10:31:47 15 A. Records also reflect that this was a Visa check card.

10:31:56 16 Q. So you've seen no evidence in the bank statements
10:31:59 17 that there is cash withdrawals used for any statements to
10:32:03 18 The View or Airbnb, correct?

10:32:07 19 A. Correct.

10:32:11 20 Q. And let's go back to 25A as well, the exhibit that we
10:32:16 21 showed you yesterday. Turning to page 3, please. Is the
10:32:30 22 date of this invoice 8/21/2018?

10:32:38 23 A. Yes.

10:32:38 24 Q. And it's for \$5,000 correct?

10:32:40 25 A. Yes.

Jensen - redirect

10:32:40 1 Q. And it actually says the balance due is 0; is that
10:32:44 2 right?

10:32:44 3 A. Yes.

10:32:45 4 Q. So as of August 21st, 2018, there was a \$0 balance in
10:32:50 5 the account?

10:32:50 6 A. Yes.

10:32:51 7 Q. And again, the cash withdrawal analysis you did is
10:32:54 8 from September to November of 2018; correct?

10:32:57 9 A. Yes.

10:32:57 10 Q. Turning to page -- go to the next invoice, please.

10:33:17 11 Did this invoice, invoice number 1451, reflect that as of
10:33:23 12 August 23rd, 2018, Mr. Biden's DTX/stabilization payments
10:33:28 13 had been paid for, and that there was a \$0 balance?

10:33:32 14 A. Yes.

10:33:32 15 Q. Can we please go to the next invoice, Ms. Vo?

10:33:37 16 Now this invoice, number 1452, dated
10:33:45 17 August 24th, 2018, what is the balance due as of that date?

10:33:49 18 A. \$0.

10:33:51 19 Q. Go to the next invoice, Ms. Vo.

10:33:59 20 This invoice for August 24, 2018, which covers a
10:34:04 21 three-day period now for \$7,500, what is the balance due as
10:34:09 22 of that date?

10:34:11 23 A. \$0.

10:34:12 24 Q. And it reflects paid, correct?

10:34:15 25 A. Yes.

Jensen - redirect

10:34:16 1 Q. Please go to the next page, please.

10:34:27 2 All right. DTX/stabilization services for
10:34:40 3 8/27/2018, it says the amount was \$1,200. What was the
10:34:44 4 actual balance due as of August 27, 2018?

10:34:47 5 A. \$0.

10:34:49 6 Q. Can we go to the last page, please. This invoice
10:35:05 7 date is August 27th, 2018, for sober companion services,
10:35:12 8 \$8,400, what is the balance due as of August 2018?

10:35:17 9 A. \$0.

10:35:18 10 Q. Now, I would like to direct your attention to
10:35:22 11 Government's Exhibit 28A. Is this a bank -- is this a bank
10:35:32 12 statement from Wells Fargo for the period of September 2018?

10:35:43 13 MR. HINES: May I approach the witness, Your
10:35:45 14 Honor?

10:35:46 15 THE COURT: You may.

10:35:58 16 BY MR. HINES:

10:36:01 17 Q. Is it in fact a bank statement for the month of
10:36:04 18 September of 2018 for Mr. Biden's account?

10:36:06 19 A. Yes.

10:36:07 20 MR. HINES: Move to admit this bank statement,
10:36:11 21 28A.

10:36:11 22 MR. LOWELL: No objection.

10:36:12 23 THE COURT: Thank you. It's admitted.

10:36:14 24 (Exhibit No. 28A was admitted into evidence.)

10:36:14 25 BY MR. HINES:

Jensen - redirect

10:36:15 1 Q. Let's go to page 9 of the detail ledger. Mr. Lowell
10:36:25 2 was referring to Airbnb transactions. If you look at the
10:36:28 3 bottom of this page in September 11th, is there a Visa check
10:36:34 4 card transaction for Airbnb?

10:36:36 5 A. Yes.

10:36:37 6 Q. What was the amount of that transaction?

10:36:41 7 A. \$2,965.09.

10:36:47 8 Q. Was that in cash or by the check card?

10:36:49 9 A. Paid by Visa check card.

10:36:53 10 Q. Turning to page 14 of that ledger on September 14th,
10:37:04 11 in the middle of the page, is there another Airbnb
10:37:07 12 transaction?

10:37:08 13 A. Yes.

10:37:09 14 Q. And what is the amount of that transaction?

10:37:13 15 A. \$1,003.51.

10:37:18 16 Q. What is the manner of that transaction?

10:37:21 17 A. The Visa check card.

10:37:25 18 Q. Do you know if Airbnb even accepts cash for that
10:37:30 19 amount?

10:37:31 20 A. I don't know.

10:37:31 21 Q. But what's reflected on the statement is that
10:37:35 22 Mr. Biden was paying for Airbnb with his check card;
10:37:39 23 correct?

10:37:40 24 A. Yes.

10:37:40 25 Q. Did you see any evidence during the course of your

Jensen - redirect

10:37:43 1 investigation that Mr. Biden was taking wads of cash, and
10:37:46 2 putting them in envelopes, and mailing it to Airbnb?

10:37:50 3 A. No, I have no information for that.

10:37:58 4 Q. Now, let's go to the liquor that Mr. Lowell was
10:38:02 5 asking you about and those transactions. For ease of
10:38:08 6 reference, I would like to display the demonstrative --

10:38:16 7 (Discussion off the record.)

10:38:24 8 Q. Display the demonstrative, the liquor store receipts
10:38:28 9 chart that Mr. Lowell showed in his opening. He went
10:38:32 10 through these transactions with you in your -- in his
10:38:35 11 cross-examination a little while ago; correct?

10:38:38 12 A. Yes.

10:38:39 13 Q. Now, what's not reflected on this chart is how those
10:38:44 14 payments were made; correct?

10:38:46 15 A. Yes.

10:38:46 16 Q. For example, is there a column that shows cash versus
10:38:50 17 check card?

10:38:52 18 A. No.

10:38:53 19 Q. Let's look at the bank statements and see how they
10:38:56 20 were actually made?

10:38:58 21 MR. LOWELL: I think I did that. Basically --
10:39:01 22 I'm sorry, I'm confused, are you using what I --

10:39:04 23 THE COURT: All right. You can talk to each
10:39:06 24 other if you want to.

10:39:07 25 (Discussion off the record.)

Jensen - redirect

10:39:14 1 MR. LOWELL: I understand.

10:39:15 2 BY MR. HINES:

10:39:19 3 Q. Let's start with 27(a), please, page 2. Now, this
10:39:37 4 summary chart if you scroll to the end reflects about
10:39:42 5 \$151,000 in cash withdrawals, correct?

10:39:45 6 A. I think that's correct over the three months, yes.

10:39:48 7 Q. So again, there is nothing in this summary chart that
10:39:51 8 captures credit cards or check card transactions, correct?

10:39:56 9 A. Correct, this does not include those debits that
10:40:03 10 would be a check card.

10:40:04 11 Q. If we look at the bank statement that Mr. Lowell
10:40:07 12 displayed, which we -- for October of 2018. 29A. Let's go
10:40:27 13 to the first liquor transaction that he had on his chart on
10:40:32 14 October 1st, 2018. I believe it's page 20, Ms. Vo.

10:40:37 15 If you go halfway down the page, remember
10:40:47 16 Mr. Lowell asking you about this transaction?

10:40:49 17 A. Yes.

10:40:50 18 Q. And now that we have a wider scope here than what was
10:40:54 19 displayed for you, do you see what type of transaction that
10:40:57 20 is?

10:40:58 21 A. Yes.

10:40:58 22 Q. What type of transaction is it?

10:41:00 23 A. A Visa check card.

10:41:02 24 Q. So it's not a cash withdrawal, correct?

10:41:04 25 A. Correct.

Jensen - redirect

10:41:05 1 Q. Turning to page 26, on the bottom of the page, is
10:41:11 2 there a transaction for \$19.07 to the Wine and Spirits?

10:41:17 3 A. Yes.

10:41:17 4 Q. What type of transaction was that?

10:41:19 5 A. Visa check card.

10:41:21 6 Q. And the next transaction from October 17th, 2018, to
10:41:26 7 the Boxwood Liquors, it should be for -- there is one that
10:41:39 8 he has listed for \$26.48. Do you see it?

10:42:28 9 MR. HINES: Court's indulgence for one moment,
10:42:33 10 Your Honor.

10:42:35 11 THE COURT: Sure.

10:42:37 12 BY MR. HINES:

10:42:37 13 Q. If we go to Bates 751, please. Do you see a
10:42:53 14 transaction to the Boxwood Liquors for \$26.48?

10:42:58 15 A. Yes.

10:42:58 16 Q. What kind of transaction was that?

10:43:00 17 A. Visa check card.

10:43:01 18 Q. Turning to the next transaction, Central Wine and
10:43:07 19 Spirits, immediately below that, a \$52 transaction?

10:43:11 20 A. Yes.

10:43:12 21 Q. In the middle of the page, do you see that?

10:43:15 22 A. Yes.

10:43:15 23 Q. \$52.25?

10:43:18 24 A. Yes.

10:43:18 25 Q. What kind of transaction was that?

Jensen - redirect

10:43:20 1 A. Visa check card.

10:43:21 2 Q. So again, not a cash withdrawal, correct?

10:43:24 3 A. Correct.

10:43:25 4 Q. Turning to October 19th, 2018, on page 37, there is,
10:43:37 5 the third from the bottom, there is a transaction to Central
10:43:41 6 Perk Wine for \$10.88 do you see that?

10:43:44 7 A. Yes.

10:43:44 8 Q. What was the type of transaction?

10:43:46 9 A. Visa check card.

10:43:51 10 Q. Now, turning to page 40, the bottom of the page,
10:43:59 11 State Line Liquors, \$38.38, do you see that?

10:44:01 12 A. Yes.

10:44:02 13 Q. What type of transaction was that?

10:44:04 14 A. Visa check card.

10:44:05 15 Q. And on the final page -- or the final transaction,
10:44:10 16 page 48, Tally-Ho Liquors, do you see the transaction for
10:44:19 17 \$22.49?

10:44:20 18 A. Yes.

10:44:20 19 Q. What kind of transaction was that?

10:44:22 20 A. Visa check card.

10:44:24 21 Q. So if we can go back to the demonstrative that we
10:44:28 22 displayed a moment ago, Ms. Vo, have you confirmed that
10:44:33 23 actually none of these transactions were paid for in cash?

10:44:36 24 A. They all appear to be Visa check card purchases or
10:44:40 25 debit cards.

Jensen - redirect

10:44:41 1 Q. And do the bank statements show that Mr. Biden used
10:44:46 2 his check card to make payments for things like alcohol?

10:44:52 3 A. Yes.

10:44:57 4 Q. Liquor stores accept check cards, credit cards; is
10:45:03 5 that right?

10:45:03 6 A. My experience is they do, yes.

10:45:05 7 Q. Do drug dealers accept credit cards?

10:45:09 8 A. Not in my experience.

10:45:25 9 Q. Now, I would like to shift to the book. Mr. Lowell
10:45:30 10 asked you a series of questions about the book. Let's start
10:45:34 11 with one thing right out of the gate. Does Mr. Biden ever
10:45:38 12 describe his gun purchase on October 12th of 2018?

10:45:42 13 A. No.

10:45:42 14 Q. Did he say anything about a pushy gun salesman, or
10:45:46 15 any of the things that Mr. Lowell said in opening?

10:45:49 16 MR. LOWELL: Objection. I didn't use pushy
10:45:53 17 salesman, he's mischaracterizing.

10:45:56 18 THE COURT: The jury can figure that out.

10:45:59 19 THE WITNESS: No.

10:46:00 20 Q. So essentially Mr. Biden skips that chapter in his
10:46:03 21 life?

10:46:03 22 MR. LOWELL: Objection to the characterization
10:46:05 23 of what he skips.

10:46:06 24 THE COURT: Overruled.

10:46:08 25 A. No.

Jensen - redirect

10:46:11 1 Q. Now, October 23rd, 2018, was the day the gun was put
10:46:16 2 in the trash can and the police responded; is that right?

10:46:21 3 A. Yes.

10:46:21 4 Q. I would like to direct your attention to Exhibit 18,
10:46:33 5 Row 145, page 43. We saw this message yesterday; correct?
10:46:42 6 Where Mr. Biden texted Hallie Biden and said, "the fucking
10:46:47 7 FBI", right?

10:46:49 8 A. Yes.

10:46:49 9 Q. What's the date of that message?

10:46:52 10 A. 10/23/2018.

10:46:55 11 Q. So when did Mr. Biden begin writing his book?

10:46:59 12 A. November of 2019.

10:47:00 13 Q. That's after he had sent the message about the F-ing
10:47:05 14 FBI?

10:47:05 15 A. Yes.

10:47:06 16 Q. Mr. Lowell asked you yesterday about the word
10:47:11 17 "relapsed" that appears in Exhibit 19 at the end of the
10:47:17 18 chapter called, California Odyssey. Do you remember him
10:47:21 19 asking you that question, the questions about relapse?

10:47:25 20 A. Yes. Yes.

10:47:26 21 Q. And I believe what he asked you was whether or not
10:47:28 22 you knew whether relapse referred to drugs or alcohol;
10:47:33 23 correct?

10:47:33 24 A. Yes.

10:47:34 25 Q. And you indicated that you were just reading the

Jensen - redirect

10:47:37 1 words in the book; right, it just said relapse there?

10:47:41 2 A. Yes.

10:47:41 3 Q. Now, that was in Chapter 9, California Odyssey, that
10:47:48 4 text about relapsed on page 202; right?

10:47:59 5 A. Yes.

10:47:59 6 Q. And if we pull up page 202, this is where Mr. Biden
10:48:18 7 describes being at the rehab center in Brentwood, he said "I
10:48:23 8 stayed clean for two weeks." Correct?

10:48:26 9 A. Yes.

10:48:26 10 Q. And you determined that was in August of 2018, late
10:48:31 11 August, is that right?

10:48:32 12 A. Yes. I believe it's the 21st is when it starts.

10:48:37 13 Q. And now in this chapter, California Odyssey, does
10:48:41 14 Mr. Biden talk about crack use throughout the chapter?

10:48:46 15 A. Yes.

10:48:46 16 Q. We're not going to go through it all again, but
10:48:49 17 page 19, or Exhibit 19, page 197, in the third paragraph
10:49:06 18 from the bottom, the third sentence begins, "I was smoking
10:49:15 19 crack every 15 minutes." Do you remember hearing that
10:49:18 20 yesterday?

10:49:18 21 A. Yes.

10:49:19 22 Q. And for pages and pages as he described his crack use
10:49:24 23 and the episode in California over the course of several
10:49:28 24 months beginning in spring of 2018?

10:49:30 25 A. Yes.

Jensen - redirect

10:49:31 1 Q. On page 199 does Mr. Biden write, "yet I was so lost
10:49:42 2 in my addiction that I watched the crowd rob me blind and
10:49:46 3 didn't care enough to stop them."

10:49:48 4 Is that what he wrote there?

10:49:50 5 A. Yes.

10:49:50 6 Q. And what does he say after that?

10:49:54 7 A. "Not as long as the cycle of drugs, sex, exhaustion,
10:49:58 8 and exhilaration repeated itself over and over. It was
10:50:03 9 nonstop depravity."

10:50:05 10 Q. Does he say alcohol in that sentence?

10:50:07 11 A. No.

10:50:08 12 Q. So this is before he checks into rehab, let's now
10:50:11 13 look after that, at the beginning of Chapter 10, page 203 in
10:50:23 14 Exhibit 19. In the first sentence, does Mr. Biden write "my
10:50:37 15 ultimate odyssey through full blown addiction." Is that the
10:50:40 16 words he uses?

10:50:41 17 A. Yes.

10:50:41 18 Q. Does he say partial addiction?

10:50:43 19 A. No.

10:50:44 20 Q. Does he say alcohol only addiction?

10:50:49 21 A. No.

10:50:49 22 Q. Is there any chapter in here in which Mr. Biden
10:50:55 23 describes that he was having only drinking issues, but no
10:50:58 24 issues with crack?

10:50:59 25 A. In this section?

Jensen - redirect

10:51:01 1 Q. Right.

10:51:02 2 A. No.

10:51:07 3 Q. And how about any section in Chapter 9 or Chapter 10,
10:51:11 4 the relevant time period for 2018?

10:51:16 5 A. No.

10:51:18 6 Q. And finally, page 208, continuing in the same
10:51:23 7 chapter, after Mr. Biden describes full blown addiction,
10:51:32 8 Exhibit 19, page 208, does Mr. Biden write "crack is a great
10:51:52 9 leveler." And then he goes on to say "just like in
10:51:58 10 California." Is that what he goes on to say here?

10:52:01 11 A. Yes.

10:52:01 12 Q. If you zoom out, above that, does he say in the first
10:52:06 13 paragraph, "It was me and a crack pipe and a super eight,
10:52:10 14 not knowing which the fuck way was up." Are those his
10:52:14 15 words?

10:52:14 16 A. Yes.

10:52:17 17 Q. And this is in the same chapter when he describes his
10:52:21 18 return in the fall of 2018; correct?

10:52:23 19 A. Yes.

10:52:29 20 MR. HINES: No further questions, Your Honor.

10:52:31 21 MR. LOWELL: Your Honor, may I approach for a
10:52:36 22 moment?

10:52:37 23 THE COURT: Why don't we take --

10:52:38 24 MR. LOWELL: It will be very quick, I promise.

10:52:38 25 (Side-bar discussion:)

Jensen - recross

10:53:46 1 MR. LOWELL: I should have asked in advance but
10:53:46 2 in redirect we introduced a new exhibit, which I didn't have
10:53:46 3 a chance to cross-examine, I would ask that there will be
10:53:46 4 questions available on that new exhibit which I had no
10:53:46 5 ability to question, so I have two questions for recross,
10:53:46 6 and then if there is something that comes up, you can deal
10:53:46 7 with it.

10:53:46 8 THE COURT: That's fine.

10:53:46 9 MR. LOWELL: And I'll be real quick, that's why
10:53:46 10 I wanted to deal with it.

10:53:46 11 THE COURT: Okay.

10:53:46 12 (End of side-bar.)

10:53:48 13 RECROSS-EXAMINATION

10:53:57 14 BY MR. LOWELL:

10:53:59 15 Q. Agent, do you see the exhibit that Mr. Hines asked
10:54:01 16 you about that was just admitted after I asked you
10:54:04 17 questions?

10:54:04 18 A. Yes.

10:54:05 19 Q. And you had mentioned to him there is entries to an
10:54:08 20 Airbnb, for example, do you see that 129?

10:54:11 21 A. Yes.

10:54:12 22 Q. Okay. And the one before, remember there was one for
10:54:16 23 1,700 and something dollars?

10:54:18 24 A. Yes.

10:54:18 25 Q. And that's when he was at The View, that period of

10:54:21 1 that 1,700. Do you know who this Airbnb was for?

10:54:28 2 A. It does not show on the records and I do not have
10:54:31 3 Airbnb records, so I do not know.

10:54:33 4 Q. You don't know if it was for him?

10:54:35 5 A. I don't know -- I just know that it was paid for.

10:54:38 6 Q. Right after the one that says Airbnb, do you see
10:54:44 7 Fendi Rodeo Drive for 975, do you know who did that? Do you
10:54:47 8 know who purchased that, what that was for?

10:54:51 9 A. I can just speak to what the records show here and
10:54:53 10 that was a debit withdrawal from his account on that day.

10:54:58 11 MR. LOWELL: That's all the questions.

10:55:02 12 REDIRECT EXAMINATION

10:55:02 13 BY MR. HINES:

10:55:03 14 Q. Just two questions in brief re-redirect.

10:55:06 15 The Airbnb transaction that is the \$2,965.09.

10:55:11 16 This was in Mr. Biden's personal account, correct?

10:55:14 17 A. Yes.

10:55:15 18 Q. And if you look at the next transaction that's Fendi
10:55:21 19 Rodeo Drive, are you aware that you can make online
10:55:25 20 purchases sometimes at various locations?

10:55:27 21 A. Yes.

10:55:28 22 MR. HINES: No further questions.

10:55:30 23 THE COURT: All right. Thank you.

10:55:32 24 All right. Let's take our morning break. We'll
10:55:35 25 come back in about fifteen minutes.

10:55:37 1 COURTROOM DEPUTY: All rise.

10:55:39 2 (Jury exiting the courtroom at 10:55 a.m.)

10:56:08 3 THE COURT: All right. So we'll take our break.

10:56:13 4 But I'm trying to go through -- you guys can sit down for
10:56:16 5 one second.

10:56:17 6 I'm trying to go through the jury instructions.
10:56:20 7 So I have both sides proposals, and I'm trying to come up
10:56:24 8 with a proposal that I can send out to you and then you all
10:56:28 9 can put whatever objections you want on the record.

10:56:31 10 This one I thought was a relatively easy
10:56:34 11 question which is I notice there was a some stipulations
10:56:37 12 that the gun at issue for Count Three moved into interstate
10:56:42 13 commerce, yet we have an instruction that kind of asks them
10:56:45 14 if they find it moved in interstate commerce. Do we need
10:56:49 15 that?

10:56:49 16 MR. HINES: I think we need the instruction, but
10:56:50 17 I think it should include the reference to the stipulation,
10:56:53 18 the parties have stipulated to this, because it is an
10:56:56 19 element of the offense.

10:56:57 20 THE COURT: I wasn't suggesting we leave it off,
10:56:59 21 but we say if you found beyond a reasonable doubt that the
10:57:02 22 firearm in question was manufactured in the state other than
10:57:05 23 Delaware, and that the defendant possessed the firearm in
10:57:07 24 the State of Delaware, then you may but are not required to
10:57:11 25 find that it was transported across the state line. Whereas

10:57:14 1 what you actually stipulated to was that this particular
10:57:18 2 firearm did move in interstate commerce.

10:57:21 3 MR. HINES: I think we can truncate it to a
10:57:23 4 sentence saying the government showed it moved in interstate
10:57:27 5 commerce.

10:57:28 6 THE COURT: But in this case the parties have
10:57:30 7 stipulated. Do you have any thoughts on that?

10:57:32 8 MR. LOWELL: I think that's fine depending on
10:57:34 9 the language, the concept is fine.

10:57:35 10 THE COURT: Thank you. We'll see you in
10:57:37 11 fifteen.

10:57:38 12 COURTROOM DEPUTY: All rise.

10:57:39 13 (A brief recess was taken.)

11:29:30 14 THE COURT: All right before we bring in jury
11:29:32 15 can I see counsel at side-bar.

11:33:27 16 (Side-bar discussion:)

11:33:27 17 THE COURT: So during the break, three jurors
11:33:27 18 decided that they didn't want to wait in line in the jury
11:33:27 19 room because there are 16 of them and one bathroom or two,
11:33:27 20 and so they went out in the hall and they went to the
11:33:27 21 bathroom. It was juror number nine, and it was two of the
11:33:27 22 alternates, I believe it was the remaining -- the first two
11:33:27 23 remaining alternates, not the older woman on the --

11:33:27 24 MR. KOLANSKY: Younger woman.

11:33:27 25 THE COURT: Yes, the two younger women. And so

11:33:27 1 they went to the bathroom and the Marshal saw them in there
11:33:27 2 and came back. Mr. Biden's wife was in there at the time.
11:33:27 3 And she was in the stall, and she was coming out of the
11:33:27 4 stall when they were -- when they were -- I guess washing
11:33:27 5 their hands or something.

11:33:27 6 So I instructed my deputy that he needs to be
11:33:27 7 much sterner that they -- with all the jury, that they
11:33:27 8 cannot leave unaccompanied. I then called in each of the
11:33:27 9 jurors one at a time into my chambers to reinforce that, but
11:33:27 10 also to ask them what happened.

11:33:27 11 They each gave very similar stories. They said
11:33:27 12 you know, didn't want to wait in line, they opened the door
11:33:27 13 from my chambers, there is a hallway back here, my chambers
11:33:27 14 is on the other side, so they walked down this hallway, got
11:33:27 15 to the door, and they saw security. I assume it was Secret
11:33:27 16 Service, because I think Mrs. Biden stands out there. They
11:33:27 17 said they waited and someone gave them a thumbs up and they
11:33:27 18 walked to the bathroom, went to the bathroom, were coming
11:33:27 19 out and as they were coming out, they saw Mrs. Biden, the
11:33:27 20 younger Mrs. Biden, coming out of the stall. That there
11:33:27 21 were no -- there was no discussion, no interaction, but they
11:33:28 22 saw her, and then one of the jurors said when it was -- one
11:33:28 23 of the alternates, she said when she was walking back, she
11:33:28 24 looked sideways, and saw the first lady, that one didn't
11:33:28 25 bother me because you can see the first lady sitting in the

11:33:28 1 courtroom. That's what happened, if you guys want to do
11:33:28 2 anything, if you want to ask them any questions you can, but
11:33:28 3 I just want to put on the record that happened.

11:33:28 4 MR. LOWELL: Appreciate you telling us that,
11:33:28 5 there was no verbal interaction?

11:33:28 6 THE COURT: There was no verbal interaction,
11:33:28 7 were you guys discussing anything you're not supposed to be
11:33:28 8 discussing about the case, were you discussing anything in
11:33:28 9 the bathroom?

11:33:28 10 MR. LOWELL: There is nothing I need to say.

11:33:28 11 THE COURT: No, she didn't do anything wrong.

11:33:28 12 MR. LOWELL: She just went to the bathroom?

11:33:28 13 MR. HINES: Today?

11:33:28 14 MR. LOWELL: Right. I understand.

11:33:28 15 THE COURT: Tell her to stop doing that or
11:33:28 16 leave.

11:33:28 17 MR. LOWELL: All right.

11:33:28 18 THE COURT: But I just wanted everybody to know
11:33:28 19 that that had happened, that I had had that interaction with
11:33:28 20 those three jurors.

11:33:31 21 MR. LOWELL: I appreciate you telling us that
11:33:33 22 and putting it on the record.

11:33:36 23 (End of side-bar.)

11:33:38 24 THE COURT: All right. We can bring in the
11:33:40 25 jury. Everyone stand up, please.

Buhle - direct

11:33:42 1 (Jury entering the courtroom at 11:33 a.m.)

11:33:47 2 THE COURT: All right, members of the jury,
11:33:49 3 welcome back. Everyone else, please be seated. Mr. Wise,
11:33:53 4 what's next?

11:33:54 5 MR. WISE: The United States calls Kathleen
11:33:56 6 Buhle.

11:34:09 7 COURTROOM DEPUTY: Please raise your right-hand.
11:34:15 8 Please state and spell your full name for the record.

11:34:17 9 THE WITNESS: Kathleen, K-A-T-H-L-E-E-N, Buhle,
11:34:24 10 B-U-H-L-E.

11:34:26 11 (Kathleen Buhle, having been duly sworn, was
11:34:30 12 examined and testified as follows:

11:34:33 13 DIRECT EXAMINATION

11:34:35 14 BY MR. WISE:

11:34:42 15 Q. Good morning, Ms. Buhle.

11:34:44 16 A. Good morning.

11:34:45 17 Q. Without telling the members of the jury your address,
11:34:48 18 can you say where you live, what city, please?

11:34:51 19 A. Washington, D.C.

11:34:52 20 Q. Ms. Buhle, what do you do for a living?

11:34:55 21 A. I run a nonprofit women's club.

11:34:58 22 Q. What kind of nonprofit, what kind of work does it do?

11:35:01 23 A. I'm the CEO, I created it, and run it.

11:35:07 24 Q. And how long have you done that?

11:35:09 25 A. Since 2019 I started.

Buhle - direct

11:35:13 1 Q. And could you please describe your education
11:35:16 2 generally?

11:35:17 3 A. Bachelor of arts.

11:35:18 4 Q. In what? In what degree, I mean, in what area?

11:35:24 5 A. BA psychology.

11:35:27 6 Q. Were you subpoenaed to testify here today, Ms. Buhle?

11:35:30 7 A. Yes.

11:35:31 8 Q. Ms. Buhle, do you know the defendant?

11:35:34 9 A. Yes.

11:35:35 10 Q. And how do you know him?

11:35:37 11 A. We were married.

11:35:39 12 Q. And when did you marry?

11:35:42 13 A. July 2nd, 1993.

11:35:46 14 Q. And at some point -- you said we were married. At
11:35:49 15 some point did you divorce?

11:35:51 16 A. Yes.

11:35:51 17 Q. And when was that?

11:35:52 18 A. Good Friday, 2017, I can't remember the date.

11:36:00 19 Q. Now, Ms. Buhle, at some point during the time you
11:36:04 20 were married to the defendant, did you discover he was using
11:36:08 21 drugs?

11:36:09 22 A. I did.

11:36:10 23 Q. And can you -- and approximately when was that?

11:36:16 24 A. Can you repeat the question?

11:36:17 25 Q. Sure. Approximately when was it that you discovered

Buhle - direct

11:36:20 1 that he was using drugs?

11:36:22 2 A. I found a crack pipe on July 3rd, 2015.

11:36:28 3 Q. Where did you find a crack pipe on July 3rd, 2015?

11:36:33 4 A. In an ashtray on the side porch.

11:36:37 5 Q. On the side porch of what?

11:36:38 6 A. Our home.

11:36:39 7 Q. Where was your home at that time?

11:36:42 8 A. Washington D.C.

11:36:44 9 Q. What did you do when you found a crack pipe in your
11:36:48 10 side porch on July the 3rd of 2015?

11:36:51 11 A. I went looking for my husband and asked him what it
11:36:59 12 was.

11:36:59 13 Q. And what, if anything, did he tell you?

11:37:02 14 A. He said it was a crack pipe.

11:37:05 15 Q. What else -- and I'm not looking for an exact quote,
11:37:09 16 what else do you recall about that discussion with him, what
11:37:13 17 else did he tell you, if anything?

11:37:14 18 A. It was very short, I mean, it was -- he had
11:37:20 19 acknowledged smoking crack.

11:37:22 20 Q. Was that the first time you had found anything like
11:37:26 21 that?

11:37:26 22 A. Yes.

11:37:27 23 Q. Prior to that time, did you believe he was using
11:37:31 24 drugs?

11:37:34 25 A. Yes.

Buhle - direct

11:37:34 1 Q. And what was that based on?

11:37:38 2 A. He had gotten kicked out of the Navy for testing
11:37:46 3 positive for cocaine, and so I worried, but had no proof,
11:37:54 4 but I was definitely worried, scared.

11:38:00 5 Q. And after that first time finding the drug
11:38:05 6 paraphernalia that you described, were you aware of him
11:38:07 7 using drugs after that?

11:38:09 8 A. Yes.

11:38:10 9 Q. And how were you aware of that?

11:38:13 10 A. By behavior, and I did find other drug paraphernalia
11:38:23 11 and what looked like drugs to me.

11:38:27 12 Q. I want to take each of those in turn. What did you
11:38:30 13 observe about his behavior?

11:38:33 14 A. He was not himself.

11:38:37 15 Q. What do you mean by that?

11:38:39 16 A. He was angry, short tempered, acting in ways that he
11:38:46 17 hadn't when he was sober.

11:38:48 18 Q. Was he also drinking around the time you found the
11:38:53 19 crack pipe, you said?

11:38:55 20 A. He had just -- he had been sober for maybe a month, I
11:39:05 21 believed.

11:39:06 22 Q. Prior to when you found it?

11:39:08 23 A. Yes.

11:39:09 24 Q. And then at some point was he not sober, based on
11:39:13 25 your observations?

Buhle - direct

11:39:14 1 A. My understanding is that with smoking crack, the day
11:39:19 2 after our anniversary was July 3rd, that he had relapsed.
11:39:25 3 Q. And was also drinking again?
11:39:29 4 A. I don't know.
11:39:31 5 Q. You said the second thing you said was that you also
11:39:34 6 found, I think, paraphernalia after this first time; is that
11:39:37 7 right?
11:39:37 8 A. On occasion, yes.
11:39:40 9 Q. What kind of paraphernalia?
11:39:42 10 A. A broken pipe. What looked like something to clean
11:39:49 11 the pipe. A white powder.
11:39:54 12 Q. I think you said you also saw drugs?
11:39:57 13 A. Yes, like a white crystal -- there would be just
11:40:03 14 remnants and little bags that I would find.
11:40:06 15 Q. Where would you find them?
11:40:08 16 A. In his car.
11:40:09 17 Q. Did you ever find them anywhere else other than his
11:40:12 18 car?
11:40:14 19 A. I don't recall.
11:40:15 20 Q. What were the size of the pieces, or remnants as you
11:40:20 21 put it, that you found?
11:40:22 22 A. Small.
11:40:25 23 Q. You mentioned you found drugs in his car. Did you
11:40:30 24 see drugs in his car on more than one occasion?
11:40:35 25 A. Yes.

Buhle - direct

11:40:36 1 Q. Were you looking for them in his car?

11:40:38 2 A. Yes.

11:40:38 3 Q. Why did you do that?

11:40:41 4 A. When my daughters would use his car, when he would
11:40:45 5 leave it for my daughters to use, I would check the car to
11:40:49 6 make sure that they weren't driving with drugs in it.

11:40:54 7 Q. And what was the period of time where you were doing
11:40:57 8 that, by year, I'm not asking for specific dates, but
11:41:02 9 perhaps working backwards, when was your youngest daughter,
11:41:05 10 when was she in the house until?

11:41:10 11 A. 2015 to 2019 at some point.

11:41:14 12 Q. So from 2015 to 2019, that's when you would search
11:41:18 13 the car if your daughters were going to drive it, his car?

11:41:22 14 A. Yes.

11:41:22 15 Q. And did you find drugs or paraphernalia on more than
11:41:25 16 one occasion in the car in that period?

11:41:28 17 A. Yes.

11:41:28 18 Q. Would that include 2018?

11:41:33 19 A. Yes.

11:41:35 20 Q. Now, you said his behavior had changed and that was
11:41:42 21 something you noticed; is that right?

11:41:44 22 A. Yes.

11:41:44 23 Q. During the time when you were aware of him using
11:41:48 24 drugs, did he continue to work?

11:41:54 25 A. Can you say that again?

Buhle - direct

11:41:55 1 Q. Sure.

11:41:56 2 During the time after July of 2015 when you were
11:42:01 3 -- became aware of him using drugs, did he continue to work
11:42:04 4 in some capacity?

11:42:05 5 A. Yes.

11:42:05 6 Q. And did you observe him interacting with other
11:42:09 7 people, for instance your children?

11:42:11 8 A. Yes.

11:42:11 9 Q. And other members of his family?

11:42:14 10 A. Yes.

11:42:15 11 Q. And friends and acquaintances?

11:42:18 12 A. Yes.

11:42:18 13 Q. Did you interact with him outside of the home in
11:42:22 14 places like restaurants or at events?

11:42:25 15 A. Rarely after 2015 -- I mean after he relapsed.

11:42:31 16 Q. But were there occasions?

11:42:33 17 A. Yes.

11:42:34 18 Q. And in those instances, did you see him, for lack of
11:42:41 19 a better word, function?

11:42:43 20 A. Yes.

11:42:44 21 Q. And were there times when you thought he was using
11:42:49 22 drugs based on your observation, based on your observations,
11:42:56 23 but other people didn't seem to notice that?

11:42:58 24 A. Yes.

11:42:59 25 Q. Were there times when he tried to hide his drug use

Buhle - direct

11:43:03 1 from you?

11:43:04 2 A. Yes.

11:43:04 3 Q. Were you aware of times when he tried to hide his
11:43:08 4 drug use from other people?

11:43:09 5 A. Yes.

11:43:10 6 Q. Would that include members of his family?

11:43:12 7 A. Yes.

11:43:12 8 Q. Would that include your children?

11:43:14 9 A. Yes.

11:43:14 10 Q. Would that include friends and acquaintances of his?

11:43:17 11 A. Yes.

11:43:18 12 Q. After you discovered he was smoking crack, did you
11:43:28 13 talk to him about his drug use?

11:43:31 14 A. Yes.

11:43:32 15 Q. And again, I'm not looking for specific quotes, but
11:43:36 16 what do you recall talking to him about?

11:43:40 17 A. Going into rehab.

11:43:43 18 Q. And what was his reaction to the discussion about
11:43:49 19 going into rehab?

11:43:51 20 A. He didn't want to.

11:43:53 21 Q. Why not?

11:43:55 22 A. I don't know.

11:43:56 23 Q. Did he ever tell you?

11:43:59 24 A. I don't recall -- I don't recall exactly what he
11:44:03 25 said, but that was the -- I wanted him to go to rehab and go

Buhle - direct

11:44:12 1 into a program. Which he did eventually.

11:44:16 2 Q. In talking about his drug use, did you talk about it
11:44:20 3 with him as an addiction?

11:44:24 4 A. Yes.

11:44:25 5 Q. Did he use that word or a word like it?

11:44:32 6 A. I don't remember specifically the language he used,
11:44:37 7 but we were in therapy together.

11:44:38 8 Q. And in that therapy, was it talked about as an
11:44:42 9 addiction?

11:44:43 10 A. Yes.

11:44:52 11 Q. Now at some point after that first time when you
11:44:56 12 found the drugs, did you become aware of him drinking again?

11:45:02 13 A. Yes.

11:45:03 14 Q. And so was he drinking and using drugs to your
11:45:06 15 knowledge at the same time?

11:45:07 16 A. Yes.

11:45:07 17 Q. Now moving forward in time from '15, at some point
11:45:18 18 did the defendant start using a phone number that had
11:45:22 19 previously been linked to yours?

11:45:25 20 A. Yes.

11:45:25 21 Q. And when about was that?

11:45:28 22 A. Shortly after our divorce.

11:45:30 23 Q. And what --

11:45:31 24 A. Summer of 2017.

11:45:36 25 Q. And that phone number that had been yours, did it end

Buhle - cross

11:45:39 1 in 2473?

11:45:41 2 A. Yes.

11:45:41 3 Q. Why was he then using your phone number -- what were
11:45:45 4 the circumstances under which he then started to use your
11:45:49 5 phone number?

11:45:50 6 A. My number was part of a family plan, and after the
11:45:54 7 divorce, he wouldn't release the number, so I had to get a
11:46:02 8 different number and he took it over.

11:46:05 9 Q. Just to be clear then, after sometime in -- I think
11:46:10 10 you said the summer of '17, you were no longer using that
11:46:14 11 phone number, is that right?

11:46:16 12 A. Correct.

11:46:16 13 Q. So any messages from that phone number would have
11:46:19 14 been from him, is that right?

11:46:21 15 A. Yes.

11:46:24 16 MR. WISE: Nothing further, Your Honor.

11:46:25 17 THE COURT: Thank you. Cross-exam.

11:46:29 18 CROSS-EXAMINATION

11:46:31 19 BY MR. LOWELL:

11:46:33 20 Q. Good morning, Ms. Buhle. My name is Abbe Lowell.
11:46:36 21 I'm one of Mr. Biden's attorneys. We've never met before?

11:46:40 22 A. No.

11:46:40 23 Q. You mentioned that you and he were married?

11:46:46 24 A. Yes.

11:46:46 25 Q. And I think you said July of 1993?

Buhle - cross

11:46:50 1 A. Yes.

11:46:51 2 Q. When did you first meet?

11:46:54 3 A. August of '92.

11:46:59 4 Q. And am I right that you two met when you were both
11:47:03 5 working at something called the Jesuit Volunteer Corp?

11:47:08 6 A. Yes.

11:47:08 7 Q. Northwest?

11:47:10 8 A. Yes.

11:47:10 9 Q. What is that?

11:47:11 10 A. It's like a domestic Peace corp, it's a year long
11:47:17 11 program to volunteer.

11:47:18 12 Q. Not highly paid?

11:47:20 13 A. No.

11:47:20 14 Q. And that's when you all started dating?

11:47:23 15 A. Yes.

11:47:24 16 Q. Did you work in the same part of the Jesuit Volunteer
11:47:29 17 Corps?

11:47:29 18 MR. WISE: Your Honor, I'm going to object.

11:47:31 19 This is outside the scope of the direct.

11:47:33 20 THE COURT: Sustained.

11:47:40 21 Q. That's how you met --

11:47:41 22 THE COURT: There is an objection, he said it's
11:47:43 23 outside the scope of the direct, I tend to agree. So --

11:47:48 24 MR. LOWELL: I'm not asking any other questions
11:47:49 25 about that subject.

Buhle - cross

11:47:50 1 THE COURT: I'm sorry, I thought you just asked
11:47:52 2 her to finish the answer.

11:47:54 3 MR. LOWELL: No, I just wanted to place that
11:47:56 4 they married a year later.

11:47:58 5 THE COURT: Okay. So it's sustained. And thank
11:48:00 6 you for clarifying it.

11:48:04 7 BY MR. LOWELL:

11:48:05 8 Q. When that happened, did you marry out in the West or
11:48:07 9 back in the East?

11:48:08 10 A. We married in Chicago.

11:48:12 11 Q. Mr. Wise asked you questions about Mr. Biden's,
11:48:19 12 Hunter's functioning during this period, that was a topic he
11:48:22 13 had asked you about, right?

11:48:23 14 A. In what period?

11:48:24 15 Q. While you were married, and he was in the period of
11:48:27 16 either using alcohol or when you defined -- when you learned
11:48:31 17 he was using drugs, you were asked whether he was
11:48:33 18 interacting and he was functioning?

11:48:36 19 A. I think I was only asked and referred to a period
11:48:40 20 after 2015.

11:48:41 21 Q. So in that period of time after 2015, he was working?

11:48:45 22 A. Yes.

11:48:46 23 Q. What as?

11:48:48 24 A. He had a business, I don't -- I really don't know
11:48:53 25 exactly what he was working on.

Buhle - cross

11:48:55 1 Q. Okay. At that point was he a lawyer?

11:48:58 2 A. Yes.

11:48:58 3 Q. And he was a business person?

11:49:00 4 A. Yes.

11:49:01 5 Q. Do you know whether he worked in that period you just

11:49:04 6 mentioned where he was functioning in a law firm?

11:49:08 7 A. I think he was still of counsel to Boies Schiller.

11:49:15 8 Q. Boies Schiller being an international law firm?

11:49:18 9 A. Yes.

11:49:18 10 Q. So in that period when he was functioning, he was

11:49:21 11 there, he also had a business?

11:49:23 12 A. Yes.

11:49:23 13 Q. Was the name of that business Owasco PC?

11:49:27 14 A. I thought it was Rosemont Seneca.

11:49:31 15 Q. Rosemont Seneca is a name of a business you associate

11:49:35 16 with Hunter?

11:49:36 17 A. Yes.

11:49:36 18 Q. And then I think you said that you -- when did you

11:49:40 19 separate, when did he move out?

11:49:42 20 A. Well, he moved out really after I found the crack

11:49:51 21 pipe, but I didn't consider us separated until I found out

11:49:56 22 about the infidelity. I wasn't living at home, but we were

11:50:01 23 in therapy, and so I -- I don't know why I feel like I have

11:50:06 24 to make that distinction.

11:50:07 25 Q. I want to talk about moving out so that you would see

Buhle - cross

11:50:11 1 him and what he was doing?

11:50:12 2 A. Pardon?

11:50:13 3 Q. I wanted to know when he moved out and then you said
11:50:15 4 that was in 2015?

11:50:17 5 A. Yes. Uh-huh.

11:50:18 6 Q. And then you divorced in 2017?

11:50:21 7 A. Yes.

11:50:22 8 Q. After you -- after he moved out in 2015?

11:50:28 9 A. Yes.

11:50:28 10 Q. I imagine your interactions in person were less
11:50:32 11 frequent?

11:50:32 12 A. Yes.

11:50:33 13 Q. Often by phone or text or some other communication?

11:50:39 14 A. Yes.

11:50:39 15 Q. And after you were divorced in 2017, I would think it
11:50:44 16 was even fewer occasions; is that right?

11:50:49 17 A. Yes.

11:50:49 18 Q. And in the period of 2017 when you divorced, you were
11:50:54 19 asked questions about finding paraphernalia or seeing drugs
11:50:58 20 from sometime. Moving ahead to the fall of 2018, prior to
11:51:06 21 that, did you know that Hunter had come back to Delaware
11:51:09 22 after being in California in the end of the summer of 2018?

11:51:14 23 A. I was not tracking where he lived.

11:51:17 24 Q. So one way or the other, you don't know?

11:51:20 25 A. No.

Buhle - cross

11:51:20 1 Q. And in the fall of 2018, that's not an occasion in
11:51:24 2 which you were looking into his car or looking into a
11:51:27 3 vehicle or finding paraphernalia or a crack pipe, that's not
11:51:33 4 a period where that happened?

11:51:34 5 A. I don't recall the exact days when I was doing it.
11:51:38 6 It was just when the girls would use the car.

11:51:41 7 Q. Right, so you can't place that in time?

11:51:43 8 A. No.

11:51:44 9 Q. I'm sorry, I can't hear you?

11:51:46 10 A. No, I can't recall the exact dates that I checked the
11:51:49 11 car.

11:51:49 12 Q. Using as benchmarks, did you know that in the first
11:51:52 13 part of 2018, he was living in Los Angeles?

11:51:55 14 A. No.

11:51:56 15 Q. You didn't know that at all?

11:51:58 16 A. I -- no.

11:51:59 17 Q. If --

11:52:00 18 A. I knew he was traveling, I don't know if I considered
11:52:03 19 him living in California.

11:52:05 20 Q. I'm sorry, I used --

11:52:06 21 A. Yeah.

11:52:07 22 Q. Let me start again. Did you know that he was
11:52:09 23 traveling to California?

11:52:11 24 A. Yes.

11:52:12 25 Q. Did you know how long a period of time in 2018 he was

Buhle - cross

11:52:17 1 in California?

11:52:18 2 A. No.

11:52:20 3 Q. Did you have any physical contact with him when he
11:52:23 4 was in California?

11:52:24 5 A. No.

11:52:26 6 Q. When he first came back in August of 2018, or
11:52:31 7 September when he first came back, did you have any meetings
11:52:34 8 or physical contact with him that week?

11:52:36 9 A. I don't recall.

11:52:37 10 Q. Or the week after?

11:52:38 11 A. I don't recall.

11:52:39 12 Q. So you wouldn't be able to place when the next
11:52:42 13 occasion would be?

11:52:43 14 A. I don't recall.

11:52:50 15 Q. You were asked questions about starting in that
11:52:54 16 July 2015 when you found the pipe. Prior to that, you knew
11:52:58 17 that Hunter had a problem with alcohol?

11:53:00 18 A. Yes.

11:53:01 19 Q. And that was an issue in your marriage as well,
11:53:05 20 correct?

11:53:06 21 A. It was an issue, I don't know -- yes.

11:53:10 22 Q. Okay. And do you know how far back his use of
11:53:14 23 alcohol went?

11:53:16 24 A. He went into rehab the first time in 2003.

11:53:21 25 Q. So prior to that, of course?

Buhle - cross

11:53:25 1 A. Yes.

11:53:26 2 Q. From the time that you got married, which you said
11:53:29 3 was 1993 to the period, that year you just said 2003, was he
11:53:35 4 using alcohol?

11:53:36 5 A. Yes.

11:53:37 6 Q. And you did mention that he went into a rehab program
11:53:42 7 just a moment ago in 2003?

11:53:45 8 A. Yes.

11:53:46 9 Q. Was that called Crossroads?

11:53:48 10 A. Yes.

11:53:50 11 Q. Did you have a conversation with him at that period
11:53:53 12 of time where he resisted going into any rehab?

11:53:57 13 A. He didn't resist, it was his idea.

11:54:02 14 Q. And he did that rehab again before you were divorced
11:54:08 15 in 2010 at the same place, Crossroads, right?

11:54:13 16 A. I don't remember the year, but he went back.

11:54:15 17 Q. Again on his choice?

11:54:17 18 A. Yes.

11:54:19 19 Q. And do you recall that also --

11:54:22 20 A. That was 2012.

11:54:24 21 Q. Do you recall a place called Crossroads?

11:54:26 22 A. Yes.

11:54:27 23 Q. What about going to the University of Pennsylvania in
11:54:30 24 2015, prior to the event that you described, do you remember
11:54:34 25 that one?

Buhle - cross

11:54:36 1 A. I thought that was after.

11:54:39 2 Q. You know about it, you just can't --

11:54:41 3 A. Yeah.

11:54:42 4 Q. Sorry I didn't mean to talk, go ahead?

11:54:44 5 A. He worked with a program out of the University of
11:54:48 6 Pennsylvania.

11:54:49 7 Q. When you talked about finding paraphernalia or small
11:54:54 8 amounts of what you described, can you place the year or
11:55:01 9 month to when that happened?

11:55:04 10 A. No.

11:55:04 11 Q. When you say it was in a car, can you say which car?

11:55:10 12 A. No.

11:55:23 13 Q. In the opening statement by the prosecutors in this
11:55:28 14 case, this is a sentence that was said?

11:55:31 15 MR. WISE: I'm going to object, Your Honor, it's
11:55:33 16 not evidence what the prosecutor said in opening statement.

11:55:36 17 MR. LOWELL: Mr. Hines raised with the jury a
11:55:40 18 demonstrative of what I said in opening statement earlier
11:55:42 19 today.

11:55:43 20 MR. WISE: This witness has no knowledge of the
11:55:45 21 opening statement, he wants to ask a question, he can ask a
11:55:48 22 question.

11:55:48 23 THE COURT: And the demonstrative I think was
11:55:49 24 also used with the witness, wasn't it? Maybe not. Okay.
11:55:54 25 Regardless. Strike that. None of what any of us say is

Buhle - redirect

11:55:58 1 evidence. So please rephrase.

11:56:01 2 MR. LOWELL: I will rephrase.

11:56:02 3 BY MR. LOWELL:

11:56:06 4 Q. In the period of time that you were dealing, seeing,
11:56:11 5 speaking, I want you to hear this phrase -- I want to ask
11:56:16 6 you a question. Did you ever see Hunter using drugs?

11:56:30 7 A. No.

11:56:30 8 MR. LOWELL: That's all I have.

11:56:31 9 THE COURT: Redirect.

11:56:36 10 REDIRECT EXAMINATION

11:56:36 11 BY MR. WISE:

11:56:39 12 Q. Just picking up on the last question, Ms. Buhle, I
11:56:42 13 asked you how you were aware of him using drugs. Do you
11:56:46 14 recall being asked that?

11:56:47 15 A. Yes.

11:56:48 16 Q. So if you physically didn't see him smoking, tell us
11:56:51 17 again what you saw, both in terms of his behavior and other
11:56:55 18 things that led you to conclude he was using drugs?

11:56:59 19 A. Well, he told me when I found the pipe what it was.
11:57:05 20 And I assumed he was continuing to use when I found the
11:57:10 21 pipes in the car. And because he was acting not himself.

11:57:17 22 Q. I see. You were asked if you remember the car where
11:57:21 23 you found drugs and paraphernalia on multiple occasions. Do
11:57:25 24 you recall being asked that?

11:57:26 25 A. Yes.

Buhle - redirect

11:57:26 1 Q. Did he have multiple cars during this period?

11:57:30 2 A. Yes.

11:57:30 3 Q. About how many would you say?

11:57:33 4 A. I don't recall. Three, at least.

11:57:37 5 Q. Do you recall finding drugs and paraphernalia in all
11:57:40 6 of those cars, some of those cars?

11:57:44 7 A. I -- I couldn't say for sure how many.

11:57:49 8 Q. More than one?

11:57:54 9 A. Most likely, but I can't say with all certainty.

11:57:59 10 Q. How many times would you say you found drugs or drug
11:58:03 11 paraphernalia in the cars during that period you described
11:58:06 12 from 2015 to 2019?

11:58:11 13 A. Maybe like a dozen times.

11:58:15 14 MR. WISE: Thank you. Nothing further, Your
11:58:16 15 Honor.

11:58:16 16 THE COURT: All right. Thank you. All right.
11:58:22 17 Thank you, ma'am. You're excused. Thanks for coming in.

11:58:25 18 What's next?

11:58:27 19 MR. WISE: The United States calls Zoe Kestan.

11:58:58 20 THE COURT: So members of the jury, fact
11:59:00 21 witnesses don't get to hear what other fact witnesses have
11:59:03 22 to say so you get to hear what their views are without being
11:59:07 23 influenced, so that's why it takes us a couple of minutes to
11:59:10 24 go grab them from someplace else.

11:59:12 25 COURTROOM DEPUTY: Please raise your right hand.

Kestan - direct

11:59:16 1 Please state and spell your full name for the record.

11:59:31 2 THE WITNESS: Zoe Kestan, Z-O-E, K-E-S-T-A-N.

11:59:49 3 ZOE KESTAN, having been duly sworn, was examined
11:59:53 4 and testified as follows:

11:59:56 5 DIRECT EXAMINATION

11:59:57 6 BY MR. WISE:

12:00:02 7 Q. Good afternoon, Ms. Kestan.

12:00:04 8 A. Hi.

12:00:05 9 Q. Without giving your address, can you tell the members
12:00:08 10 of the jury where you live?

12:00:09 11 A. Brooklyn, New York.

12:00:11 12 Q. And what do you do for a living, Ms. Kestan?

12:00:13 13 A. I'm design director for a home decor company.

12:00:16 14 Q. How far did you go in school?

12:00:18 15 A. I got my Bachelors from the Rhode Island School of
12:00:24 16 Design in Textile Design.

12:00:24 17 Q. What year did you get your Bachelors from the Rhode
12:00:29 18 Island School of Design in Textile Design?

12:00:30 19 A. 2015.

12:00:32 20 Q. Were you subpoenaed to testify here today,
12:00:38 21 Ms. Kestan?

12:00:38 22 A. Yes.

12:00:39 23 Q. And do you understand that's a court order to appear?

12:00:42 24 A. Yes.

12:00:43 25 Q. And are you testifying under a court order grant of

Kestan - direct

12:00:49 1 immunity?

12:00:49 2 A. Yes.

12:00:50 3 Q. And what do you understand that to mean?

12:00:53 4 A. If I tell the truth, then nothing I say can be used
12:00:57 5 against me.

12:00:58 6 Q. And what is your understanding of what happens if you
12:01:01 7 don't tell the truth?

12:01:02 8 A. Then my immunity is revoked.

12:01:04 9 Q. Could you be -- could the statements you make be used
12:01:08 10 against you as you put it?

12:01:10 11 A. Yes.

12:01:10 12 Q. Do you know the defendant?

12:01:12 13 A. Yes.

12:01:13 14 Q. And when did you first meet him?

12:01:16 15 A. I met him in December of 2017. I was working
12:01:22 16 part-time at a gentleman's club called Vivid Cabaret.

12:01:27 17 Q. Where was that?

12:01:28 18 A. Midtown Manhattan.

12:01:30 19 Q. Can you describe the circumstances of how you first
12:01:33 20 met in December of 2017?

12:01:35 21 A. It was late at night and I was about to clock out
12:01:40 22 from working there. I was then offered to do one more
12:01:45 23 private dance for 30 minutes. When I got upstairs to the
12:01:49 24 private dance, he was already in the room, and I was there
12:01:54 25 with another dancer. We introduced ourselves, but I didn't

Kestan - direct

12:02:00 1 get his name and I wouldn't have known who he was at the
12:02:04 2 time anyway.

12:02:05 3 Q. I'm just going to interrupt you for a second. Just
12:02:08 4 to be clear, you didn't know who he was?

12:02:10 5 A. No.

12:02:10 6 Q. Do you see him in the courtroom here today?

12:02:12 7 A. Yes.

12:02:12 8 Q. Can you indicate where he's seated and describe what
12:02:16 9 he's wearing?

12:02:17 10 MR. LOWELL: We stipulate that Hunter Biden is
12:02:19 11 sitting at the defendant's table.

12:02:22 12 BY MR. HINES:

12:02:23 13 Q. Do you see him in the courtroom?

12:02:24 14 A. I do.

12:02:25 15 Q. And when you -- well you started to describe what
12:02:30 16 happened. What happened when you came in the room and he
12:02:32 17 was there?

12:02:33 18 A. The music was off because the club was about to
12:02:39 19 close. He took out his phone and started playing a song on
12:02:43 20 his phone by Blind Foxes, I think the waitress came in to
12:02:50 21 take our drink orders and I think within ten minutes after
12:02:57 22 we were in the room, we were you know, chatting and we were
12:03:01 23 talking about music. He went over to the side of the room,
12:03:04 24 there was -- this particular room had a separate balcony,
12:03:08 25 and he opened the sliding door and pulled out a pipe to

Kestan - direct

12:03:14 1 start smoking something.

12:03:17 2 Q. Did you have an understanding of what he was smoking?

12:03:20 3 A. It was a type of pipe that I have never seen before

12:03:24 4 -- I had never seen before at the time. And it was an

12:03:28 5 unusual smell, I assumed it to be crack cocaine.

12:03:33 6 Q. And was he also drinking?

12:03:35 7 A. Yes.

12:03:35 8 Q. What did you observe about his demeanor after you

12:03:38 9 said he went to the part of the room that had the balcony

12:03:42 10 and smoked what you thought to be crack cocaine?

12:03:46 11 A. I remember thinking to myself that I didn't notice a

12:03:51 12 change in his behavior. The first ten minutes he was

12:03:55 13 incredibly charming and charismatic and friendly and I the

12:04:01 14 felt really safe around him. And I remember that after --

12:04:06 15 after he had smoked it that I felt like nothing had changed,

12:04:10 16 he was the same charming person.

12:04:13 17 Q. And then what happened?

12:04:17 18 A. Well, the private room was only about 30 minutes. It

12:04:24 19 was me, him, and another girl, and the 30 minutes went by

12:04:29 20 really fast. At the end, a host came in and asked if -- if

12:04:33 21 he wanted to extend the time, and he declined, so we ended

12:04:38 22 it there, and I went to the locker room to change and go

12:04:43 23 home.

12:04:43 24 Q. At the end of the session, did he ask you anything?

12:04:47 25 A. He asked me if I wanted to go to his hotel room. I

Kestan - direct

12:04:51 1 declined, but I gave him my phone number, and I believe he
12:04:55 2 texted me when I was getting ready to go home about
12:05:00 3 20 minutes later, just sending me the address of his hotel
12:05:05 4 in case I wanted to go, and I didn't respond.

12:05:08 5 Q. You testified this was December of 2017; right?

12:05:12 6 A. Correct.

12:05:12 7 Q. Moving forward in time, did you see him again?

12:05:16 8 A. Yeah.

12:05:17 9 Q. When was that?

12:05:18 10 A. About a week or so after that, I remember somehow
12:05:23 11 coming across his photo online and putting two and two
12:05:26 12 together about who he was and realizing that was the guy
12:05:31 13 from this experience. And then about a week after that, a
12:05:35 14 friend of mine who had apparently known him, I was in
12:05:39 15 Manhattan at the time, I think it was a Monday, it was like
12:05:44 16 2 o'clock and she texted me that she was with him and
12:05:47 17 invited me to the Soho Grand Hotel where he was, and I was
12:05:52 18 close by.

12:05:52 19 Q. And did you go?

12:05:54 20 A. I did.

12:05:55 21 Q. And describe what happened when you got there?

12:05:58 22 A. I went to the elevator and I went straight up to the
12:06:00 23 room number that she told me. The two of them were there.
12:06:04 24 I think he recognized me when I got in, and he was
12:06:09 25 incredibly friendly and it was fun, he was playing loud rock

Kestan - direct

12:06:14 1 music and I think there were bottles of alcohol, there were
12:06:18 2 drinks, room service, he was smoking cigarettes, and there
12:06:21 3 was luggage kind of strewn across the room.

12:06:24 4 Q. At some point now at the Soho Grand, did you see him
12:06:30 5 smoking crack?

12:06:30 6 A. Yes. Probably 10 or 15 minutes in, I remember him
12:06:36 7 taking it out and offering me some and I declined, and he --
12:06:41 8 yeah, and he smoked it for like 10 or 15 minutes in.

12:06:48 9 Q. And then what happened?

12:06:49 10 A. We hung out there for the rest of the day. At one
12:06:55 11 point he offered to buy me some weed if I wanted to get
12:07:00 12 some. We went out for a walk at one point. And then the
12:07:04 13 three of us went for dinner at a place called Fanelli's
12:07:10 14 Cafe, after dinner she had to go home, and I didn't want to
12:07:13 15 go home, I -- I felt a connection with him and I was really
12:07:19 16 enjoying myself, and I went back to the Soho Grand with him
12:07:24 17 that night and I didn't leave for five days.

12:07:27 18 Q. So you stayed for another five days then?

12:07:30 19 A. It was Monday through Friday.

12:07:33 20 Q. Okay. And I'm not asking for sort of day by day, but
12:07:37 21 what did you do while you were in the Soho Grand with the
12:07:40 22 defendant for those five days?

12:07:41 23 A. Spent a lot of time just the two of us. I think the
12:07:46 24 second day in the evening, he went out for a dinner, a
12:07:50 25 business dinner or something, and I stayed back by myself.

Kestan - direct

12:07:54 1 I had a project I was working on, I think I had my laptop
12:07:58 2 with me, so I was doing my work in the hotel room.

12:08:03 3 On the third night, we went out to an event that
12:08:08 4 I had been invited to at a place called the Flower Shop in
12:08:12 5 Chinatown, it was the launch party for a friend of mine's
12:08:16 6 clothing brand, we met some of my friends, and we went out
12:08:20 7 there.

12:08:21 8 The day after that, we woke up, our sleep
12:08:24 9 schedules were also, we were staying up late and waking up
12:08:28 10 late the next time -- the next day.

12:08:31 11 The third day we walked around, we went shopping
12:08:34 12 a little bit. And again, we spent most of our time together
12:08:39 13 in the Soho Grand, and then on Friday, I think we checked
12:08:44 14 out in the afternoon and parted ways.

12:08:46 15 Q. During that week, or five days, you were at the Soho
12:08:50 16 Grand with him, was he smoking crack during that period of
12:08:54 17 time?

12:08:54 18 A. Yes.

12:08:54 19 Q. When he was smoking crack, how frequently was he
12:09:00 20 doing it?

12:09:01 21 A. I like to think like every 20 minutes or so. I think
12:09:06 22 that week it was a little bit less than every 20 minutes. I
12:09:12 23 think we were really focused on each other, and at one point
12:09:17 24 I think he said to me that I was a bit of a distraction and
12:09:20 25 that he felt that week that he was smoking a little bit less

Kestan - direct

12:09:23 1 than he was used to. And I had had experience with friends
12:09:29 2 and family who had suffered from addiction, and I -- I
12:09:36 3 already felt myself really caring for him, and kind of
12:09:40 4 starting the discussions about addiction.

12:09:43 5 Q. Now, you said that you went out to dinner, I think
12:09:46 6 you said you went to an event, you went shopping. Just to
12:09:50 7 be clear, were there times when he wasn't smoking crack when
12:09:53 8 he was with you?

12:09:54 9 A. When we would go out together in public, you know, if
12:09:58 10 it was a restaurant or an event, you know, if we were busy
12:10:03 11 talking to people and we were out and about, maybe once an
12:10:08 12 hour he would go to the bathroom or step out. And I knew
12:10:12 13 what he was doing when he did that. But it was more about
12:10:16 14 every 20 minutes or so when it was just the two of us, you
12:10:20 15 know, alone.

12:10:21 16 Q. And I think you had testified about that first
12:10:24 17 interaction and what you observed in December, what you
12:10:27 18 observed about his demeanor. What did you observe about his
12:10:30 19 demeanor, for instance, when you were out with him now with
12:10:33 20 other people when he would smoke crack, what, if anything,
12:10:36 21 did you notice?

12:10:37 22 A. He was just so, so charming and so nice, and I could
12:10:42 23 -- at the time I felt myself you know, having feelings for
12:10:45 24 him, and I never -- especially that week, I never saw an
12:10:51 25 immediate change in his behavior, which really, you know,

Kestan - direct

12:10:55 1 kind of confused me. I remember the first day after I woke
12:11:00 2 up there, I, you know, was kind of concerned that his
12:11:06 3 behavior might change at some point, but it didn't, it was,
12:11:09 4 you know, cognizant, coherent, and yeah.

12:11:15 5 Q. And it sounds like did you see him also interacting
12:11:19 6 with other people during this week when he was at the same
12:11:22 7 time using drugs?

12:11:25 8 A. Yes.

12:11:26 9 Q. Moving forward in time, did you see him again -- so
12:11:28 10 that was January I think you said of 2018, correct?

12:11:32 11 A. Yes.

12:11:32 12 Q. Moving forward in time, did you see him again?

12:11:34 13 A. Yes. The following week after I left the Soho Grand,
12:11:40 14 I had a work trip in California, and Las Vegas, so I was
12:11:47 15 there for a week. At the end of that trip, we had been
12:11:49 16 talking kind of throughout, I think we were talking on the
12:11:52 17 phone for most of those week, week-and-a-half between, but
12:11:57 18 on the day that I was flying back from LA, he told me he
12:12:02 19 wanted to come up to New York from I think it was D.C., and
12:12:07 20 by the time I landed at JFK, he told me to get an Uber and
12:12:12 21 have the Uber take me to Atlantic City, where he would meet
12:12:17 22 me, as it was a halfway point between New York and D.C.

12:12:21 23 Q. Did you do that?

12:12:22 24 A. I did.

12:12:22 25 Q. When you got there, did you stay the night?

Kestan - direct

12:12:25 1 A. Yes. In the car on the way to Atlantic City, he sent
12:12:30 2 me images of his credit card and asked me to call hotels and
12:12:35 3 find somewhere for us to stay that night. I called a few,
12:12:39 4 they didn't have any availability, and then I landed on a
12:12:42 5 hotel called The Borgata, and I booked the room while I was
12:12:47 6 in the car. And we met there, I think it was like
12:12:51 7 10 o'clock at night. We met in the lobby. And we stayed
12:12:56 8 there for one night together. The next day, it was the day
12:13:00 9 before his birthday, and he was supposed to go to the Super
12:13:04 10 Bowl the day after, so he had to go back down, around here,
12:13:09 11 so in the afternoon the following day, after we checked out
12:13:13 12 we sat in his car for a while and talked, and then we parted
12:13:18 13 ways, and I went back to Brooklyn, and he went back down to
12:13:22 14 either Delaware or Maryland or D.C.

12:13:25 15 Q. For the night you were with him at The Borgata, was
12:13:30 16 he smoking crack then?

12:13:31 17 A. Yes.

12:13:31 18 Q. You testified that he even sent you images of his
12:13:35 19 credit card to pay for the Hotel?

12:13:36 20 A. To make the booking.

12:13:37 21 Q. To make the booking. We're going to move forward in
12:13:41 22 time, did he do that on more than one occasion?

12:13:44 23 A. Yes.

12:13:44 24 Q. When he did that, did you ever use the credit card or
12:13:47 25 debit card or whatever it was without his permission?

Kestan - direct

12:13:51 1 A. No.

12:13:54 2 Q. So moving forward in time, did you see him again?

12:13:57 3 A. Yes.

12:13:57 4 Q. When was that?

12:13:58 5 A. So the day that we left, it must have been

12:14:03 6 February 3rd, and the next time I saw him it was the

12:14:07 7 beginning of fashion week in New York, which usually starts

12:14:12 8 around the seventh or eighth of February. I was in the East

12:14:17 9 Village, I had just gone to a show. I was doing some work

12:14:20 10 at the time, you know, for various events and shows for

12:14:26 11 fashion week. And I just had gotten out of a show from a

12:14:30 12 brand called Gothic Chain, and he texted me he was on his

12:14:35 13 way back to New York and he would be there in a couple of

12:14:38 14 hours and to meet him at a hotel called The Four Seasons.

12:14:42 15 Q. Did you do that, did you meet him at a hotel called

12:14:47 16 The Four Seasons?

12:14:47 17 A. I did.

12:14:48 18 Q. I'm going to ask you to look at, it should be in that

12:14:50 19 binder in front of you, an exhibit that's marked government

12:14:54 20 Exhibit 38. There should be a tab that says 38. Do you see

12:14:58 21 it?

12:14:58 22 A. Yes.

12:14:58 23 Q. Take a moment to flip through that.

12:15:10 24 A. (Witness reviewing exhibit.) Okay.

12:15:43 25 Q. Are you familiar with those pictures?

Kestan - direct

12:15:45 1 A. Yes, they're from my phone.

12:15:47 2 Q. They're from your phone?

12:15:48 3 A. Yes.

12:15:49 4 Q. Are they pictures that you took or images that were
12:15:52 5 otherwise on your phone?

12:15:53 6 A. Yes.

12:15:54 7 MR. WISE: Your Honor, at this point I move into
12:15:56 8 for admission government Exhibit 38.

12:15:59 9 MR. LOWELL: No further objection.

12:16:00 10 THE COURT: All right. Thank you. It's
12:16:02 11 admitted.

12:16:03 12 (Government Exhibit No. 38 was admitted into
12:16:04 13 evidence.)

12:16:04 14 BY MR. WISE:

12:16:07 15 Q. If we could have the first. Do you see that image on
12:16:09 16 the screen, Ms. Kestan?

12:16:11 17 A. Yes.

12:16:11 18 Q. Is this one of the pictures you took?

12:16:13 19 A. Yeah, a photo I had taken of myself in the mirror and
12:16:18 20 that's the reflection of the countertop.

12:16:19 21 Q. Got it. Just to be clear, and I think this will
12:16:23 22 apply, are there -- we'll see it in further pictures, are
12:16:28 23 there redactions, like black boxes, in some of these
12:16:32 24 pictures?

12:16:32 25 A. Uh-huh.

Kestan - direct

12:16:32 1 Q. And they weren't put there by you, right?

12:16:35 2 A. No.

12:16:36 3 Q. They were put there from someone from the United
12:16:39 4 States?

12:16:39 5 A. Yes.

12:16:39 6 Q. These pictures are not necessarily the whole image,
12:16:42 7 it's specific parts of an image; is that right?

12:16:45 8 A. Correct.

12:16:45 9 Q. So you said you took this first picture. Where did
12:16:48 10 you take this first picture?

12:16:49 11 A. This was in the room at The Four Seasons from that
12:16:54 12 time that I had just mentioned during early February.

12:16:57 13 Q. Of 2018?

12:16:58 14 A. Of 2018.

12:17:00 15 Q. And also to be clear, you had seen these pictures
12:17:02 16 before, before today; right?

12:17:04 17 A. Yes.

12:17:05 18 Q. Now, if I ask you to focus on the upper left-hand
12:17:13 19 corner, what is in the upper left-hand corner of the picture
12:17:16 20 near what looks like a glass of water?

12:17:19 21 A. The used crack pipe.

12:17:22 22 Q. How did you come to know that's what that was?

12:17:26 23 A. There wouldn't be any other item that's just a long
12:17:31 24 straight tube like that, but it also has the coloring and
12:17:34 25 the residue of being an older, used one, so you can see the

Kestan - direct

12:17:42 1 darkness on either end of the pipe and the kind of resin
12:17:46 2 coloring around it.

12:17:48 3 Q. Did the defendant tell you or explain to you what
12:17:51 4 that was and how he used it?

12:17:53 5 A. Yes.

12:17:54 6 Q. What did he tell you?

12:17:56 7 A. I remember him explaining this to me that week in the
12:18:00 8 Soho Grand.

12:18:01 9 Q. Was that after this?

12:18:03 10 A. Before.

12:18:03 11 Q. Oh, before. Okay. Sorry.

12:18:05 12 A. So when you go to a store to purchase it, it's called
12:18:10 13 a glass rose, because it's just a clear straight tube and it
12:18:14 14 has a paper rose inside of it, and I guess the way that you
12:18:21 15 would smoke it is you would need to put some sort of filter
12:18:27 16 thing inside of it so that the drug wouldn't fall through
12:18:32 17 both ends. So to do that, you would use this thing called a
12:18:37 18 chore boy, which is like a brillo pad, it's a scouring
12:18:42 19 material, it's like a copper measure, and you would break
12:18:46 20 off a little piece, and you put in about an inch in on one
12:18:50 21 end, so that the small pieces of the drugs would rest on
12:18:55 22 that one inch end, and you can smoke it from the other end.

12:19:01 23 Q. We're going to move forward in time. Were there
12:19:07 24 times when you saw him do that, sort of assemble it the way
12:19:11 25 you just described?

Kestan - direct

12:19:12 1 A. Yes.

12:19:12 2 Q. And use it to smoke?

12:19:14 3 A. Yes. He would also use things like chop sticks and
12:19:18 4 disassembled pens to push out the filter and clear out the
12:19:24 5 pipe to reuse it.

12:19:29 6 Q. Now, was he smoking crack when you were with him at
12:19:33 7 The Four Seasons?

12:19:34 8 A. Yes.

12:19:34 9 Q. During fashion week?

12:19:36 10 A. Yes.

12:19:37 11 Q. And in terms of how far -- you said he would break
12:19:44 12 off a piece to put in a tube. What size were the quantities
12:19:47 13 that you saw him with?

12:19:50 14 A. I more remember the visual of it a little bit later
12:19:53 15 on. But in general, he was buying amounts, you know, like
12:20:00 16 this size relative to a ping pong ball, and he would break
12:20:06 17 off tiny little pieces, sometimes it would be one piece that
12:20:10 18 he would put in and sometimes two or three little pieces.
12:20:15 19 And they would fit in that little small tube.

12:20:20 20 Q. Did you ever see him buy -- you said when he would
12:20:24 21 have it, you described the size of it. Did you ever see him
12:20:28 22 buy crack?

12:20:30 23 A. The first time I saw him was in this room, I think it
12:20:33 24 was the second or the third day that I had been there, it
12:20:37 25 was later in the evening and he told me that a drug dealer

Kestan - direct

12:20:41 1 named Frankie would be coming by. When Frankie did arrive,
12:20:45 2 I guess he texted him, and Hunter asked me to go downstairs
12:20:49 3 to bring Frankie up to the room.

12:20:51 4 Q. And did you?

12:20:52 5 A. I did. When Frankie got there, they sat on the couch
12:20:57 6 and the armchairs in the little living room area of the
12:21:00 7 suite, and I didn't see the exchange happen, but Frankie
12:21:04 8 talked about other drugs that he had, if we were interested
12:21:08 9 as well.

12:21:09 10 MR. LOWELL: Objection, hearsay as to what
12:21:13 11 Frankie said.

12:21:14 12 THE COURT: It is hearsay.

12:21:20 13 BY MR. HINES:

12:21:21 14 Q. Without telling us what Frankie said, describe what
12:21:23 15 happened after Frankie left, did the defendant have more
12:21:27 16 drugs than he had before Frankie got there?

12:21:29 17 A. He did. And then later on in the week, Hunter had
12:21:33 18 told me he had taken a Xanax that I believe he bought from
12:21:37 19 Frankie as well.

12:21:38 20 Q. Did you ever see Frankie again?

12:21:40 21 A. I did.

12:21:40 22 Q. When was that?

12:21:41 23 A. The night that he came to our -- to the hotel room,
12:21:47 24 he invited us to go to a nightclub with him later that
12:21:50 25 night, you know, a couple of hours after Frankie left the

Kestan - direct

12:21:53 1 hotel room, we went out for dinner to a restaurant called
12:21:58 2 Lucien in the East Village, and after that, we decided to go
12:22:02 3 meet Frankie at the nightclub he was at, and I believe I saw
12:22:09 4 Frankie again maybe a month later at a different hotel.

12:22:12 5 Q. Were there ever times that the defendant asked you to
12:22:15 6 get cash out of the ATM for him to buy drugs?

12:22:19 7 A. Yes. The first time he kind of explained how it
12:22:23 8 worked to me was near The Four Seasons, during this trip,
12:22:28 9 there was a Wells Fargo ATM around there, and he explained
12:22:32 10 to me that someone other than him without a physical debit
12:22:39 11 card would be able to withdraw money from the ATM for him,
12:22:43 12 so he would be able to be in his hotel room and open the app
12:22:48 13 and get a five-minute code, and then he texted me the code
12:22:52 14 and asked me to withdraw cash while I was out before I came
12:22:55 15 back to the hotel room.

12:22:57 16 Q. Did you do that for him on more than one occasion?

12:23:01 17 A. Yes.

12:23:01 18 Q. What did he tell you he was going to use the cash
12:23:03 19 for?

12:23:03 20 A. He used cash for a lot of things. He took out a lot
12:23:07 21 of cash, I knew that some of it, a good amount of it was for
12:23:13 22 buying drugs, but at one point later in that trip, I think
12:23:17 23 gave me \$800 to go to Supreme to buy clothes and pick out
12:23:24 24 clothes for his kids.

12:23:25 25 Q. Did he tell you that he also gave drug dealers that

Kestan - direct

12:23:28 1 code so they could also take cash out of the ATM?

12:23:32 2 A. Yes.

12:23:33 3 Q. Did he do that on more than one occasion?

12:23:35 4 A. He told me that he did that. There was one time
12:23:38 5 actually in California I remember him sending a code to a
12:23:41 6 dealer, somewhere, you know, not near us, and the dealer was
12:23:45 7 taking out cash.

12:23:45 8 Q. And I think you said that that -- he explained to you
12:23:48 9 that code would expire briefly?

12:23:50 10 A. Yeah, it only worked for five minutes, I think.

12:23:56 11 Q. Now, staying at Four Seasons for a moment, was there
12:24:02 12 ever a time, I guess starting at The Four Seasons, where he
12:24:06 13 talked to you about trying to stop using drugs?

12:24:10 14 A. Yes. That week he had started to talk about
12:24:15 15 something he wanted to try called Kambo, which is a, I think
12:24:21 16 an indigenous experimental, you know, treatment, where you
12:24:27 17 would take the venom of a type of frog and put it on your
12:24:32 18 skin, and it would make you purge, and he hoped that it
12:24:36 19 would help him with his addiction.

12:24:39 20 We were talking about it I think the last day
12:24:43 21 that I was staying at The Four Seasons, and after we left,
12:24:47 22 after we parted ways, I remember sending him a couple of
12:24:51 23 articles and research I could find on it when I was back
12:24:55 24 home in Brooklyn.

12:24:56 25 Q. Before we leave The Four Seasons, though, if we could

Kestan - direct

12:24:59 1 just have the next photo.

12:25:02 2 Where was this picture taken?

12:25:04 3 A. In that same room.

12:25:06 4 Q. Looks like four days later?

12:25:08 5 A. Yes.

12:25:09 6 Q. Similar question. What's up in the upper left-hand
12:25:14 7 corner?

12:25:14 8 A. Yeah, yep, that's a pipe, and there is some of my
12:25:17 9 makeup.

12:25:18 10 Q. And looks like there is a bottle of liquor on the
12:25:22 11 night stand, or on the sink stand, too?

12:25:25 12 A. Yeah.

12:25:26 13 Q. Did you see him drinking and smoking crack at the
12:25:30 14 same time?

12:25:30 15 A. Yes.

12:25:31 16 Q. Were the two sort of often done together?

12:25:34 17 A. Yes.

12:25:37 18 Q. And was that true over the course of all the months
12:25:41 19 you spent with him?

12:25:43 20 A. Yes.

12:25:44 21 Q. Now, you said at the end of this trip, you said he
12:25:49 22 wanted to try this Kambo I guess drug program, drug rehab
12:25:53 23 program?

12:25:53 24 A. I think it was just a private situation where
12:25:57 25 somebody who had the Kambo drug could administer it to him.

Kestan - direct

12:26:02 1 When he told me that he did it later on, he said he did it
12:26:06 2 in a house with one person.

12:26:08 3 Q. So moving forward in time, when was the next time you
12:26:12 4 saw him after The Four Seasons?

12:26:14 5 A. Early March, I think it was two weeks later, I was
12:26:18 6 having dinner with my parents in Midtown when he told me he
12:26:21 7 was going to be there soon. He picked me up in Midtown and
12:26:25 8 took me to a new hotel called The 6 Columbus, and that day
12:26:31 9 we were there for about ten days.

12:26:33 10 Q. All right. And this -- so this would have been after
12:26:37 11 whatever the Kambo was, after that had occurred right?

12:26:41 12 A. Yes. I remember not hearing from him as often those
12:26:45 13 two weeks, and when I did, he told me he was trying this
12:26:49 14 Kambo, and I knew that when I saw him that time that he had
12:26:57 15 done it, so I was excited to see if it had worked.

12:27:00 16 Q. Had it?

12:27:02 17 A. When we got in the car, I thought for a second that
12:27:06 18 it had, he didn't smoke, you know, until we got up to the
12:27:11 19 hotel. And I saw the scars on his arms, but within
12:27:15 20 20 minutes, he was smoking in the hotel room.

12:27:19 21 Q. What was he smoking?

12:27:20 22 A. Crack.

12:27:21 23 Q. And then how frequently, I guess, when he was smoking
12:27:28 24 crack, was he doing it?

12:27:30 25 A. Every 20 minutes or so, except, you know, sometimes

Kestan - direct

12:27:35 1 he would stay up late and he would sleep a bit longer, and
12:27:40 2 -- but he would want to smoke as soon as he woke up.

12:27:43 3 Q. And you said you were with him for about ten days?

12:27:48 4 A. Yes.

12:27:48 5 Q. At the 6 Columbus. Without going into day by day or
12:27:54 6 specific details, did you go out of hotel during that ten
12:27:57 7 days?

12:27:57 8 A. Yeah, we went out for dinner a bunch, to JD Miller,
12:28:01 9 not JD Miller, a different place, another steak house that
12:28:06 10 he loved. What else did we do? At one point, it was my
12:28:11 11 friend's birthday and he offered for my friends to come to
12:28:14 12 the hotel room to hang out there for her birthday. We went
12:28:22 13 -- we walked around near Columbus circle, up and down 57th
12:28:27 14 street. I don't remember much. We were mostly in the
12:28:31 15 hotel, a couple times he left, I also brought my laptop so I
12:28:35 16 could do work while I was there by myself.

12:28:38 17 Q. Similar question like I had asked you before, were
12:28:40 18 there times when he wasn't using as frequently as you
12:28:44 19 described?

12:28:44 20 A. Yes, when we were out in public or I assume when he
12:28:49 21 was out in public, too. And when I look back on this time,
12:28:52 22 I feel like the earlier months that we spent together I
12:28:59 23 think he was a little bit more focused on our time together
12:29:03 24 and maybe he was distracted from it, but later on it got
12:29:07 25 more frequent.

Kestan - direct

12:29:08 1 Q. And when he was out, as you put it, in public, did
12:29:11 2 you observe him interacting with other people in a variety
12:29:14 3 of settings?

12:29:16 4 A. Yeah, yes, he was super charming, everybody loves
12:29:20 5 him.

12:29:20 6 Q. And what, if anything, I have asked this before,
12:29:23 7 what, if anything, did you notice about his demeanor, did it
12:29:27 8 change after he was smoking crack while he was around other
12:29:31 9 people?

12:29:31 10 A. I didn't notice it, I sometimes think that it was
12:29:36 11 because I was catching feelings for him, I didn't notice it
12:29:39 12 at all, I thought to myself that it's crazy that his
12:29:43 13 demeanor doesn't seem to be changing.

12:29:45 14 Q. Now, moving forward in time from February of 20 --
12:29:49 15 actually, what was the month when you were with him at the 6
12:29:54 16 Columbus?

12:29:54 17 A. It was March.

12:29:55 18 Q. Of 2018?

12:29:56 19 A. 2018, it was early March.

12:29:58 20 Q. Moving forward in time, when was the next time you
12:30:02 21 remember being with him?

12:30:04 22 A. After the 6 Columbus, it was probably another week or
12:30:08 23 so. Every time we would see each other, he would come to
12:30:11 24 New York and then say he would have to leave town to go back
12:30:15 25 down somewhere around here. So the next time I saw him, I

Kestan - direct

12:30:20 1 actually had just gone to LA again for a work trip for two
12:30:24 2 days, and again when I landed from the flight, I met him
12:30:28 3 straight at a different hotel, this time it was at the
12:30:38 4 French Quarter in Soho.

12:30:38 5 Q. If we could see the next picture. This is actually
12:30:42 6 -- what is this a picture of?

12:30:44 7 A. It looks like a photo of a piece of paper that has a
12:30:48 8 photocopy of his driver's license, or passport. I believe
12:30:53 9 he texted me this photo. I never personally took a photo of
12:30:59 10 his passport, though I do remember seeing it in person. He
12:31:05 11 could have sent this to me for two reasons, around the same
12:31:09 12 time as the picture, one was a --

12:31:11 13 MR. LOWELL: I'm objecting to why could have.
12:31:13 14 It could be what he said, but it's not for her to say he
12:31:17 15 could have.

12:31:18 16 THE COURT: You can ask what her recollection
12:31:20 17 is.

12:31:21 18 BY MR. WISE:

12:31:21 19 Q. What were you two discussing doing -- first of all,
12:31:25 20 where was this photo -- when it wound up on your phone where
12:31:31 21 were you?

12:31:32 22 A. We were at the Mercer and I think --

12:31:34 23 Q. Hold on a second. What were you two talking about
12:31:37 24 doing when you were at the Mercer?

12:31:39 25 A. He was very stressed out and he was talking about

Kestan - direct

12:31:46 1 attempting another, you know, try to get sober. I had been
12:31:53 2 talking to him about want going to go to LA for a longer
12:31:57 3 period of time. My lease was ending in April and I had a
12:32:02 4 plan to produce a line of clothes I was working on with
12:32:05 5 factories in California because that's where I knew the
12:32:08 6 factories, and when I brought that up, he said I love
12:32:12 7 California, I want to get away from the East Coast, I want
12:32:16 8 to get away from the stresses in my life, and I think I
12:32:20 9 could get sober if I go out there with you.

12:32:22 10 Q. When he said get sober, what did you understand him
12:32:25 11 to be referring to?

12:32:26 12 A. We first looked up rehab centers, I called a couple,
12:32:32 13 but they didn't have availability. And then we looked at
12:32:36 14 getting an Airbnb so we could also hirer a detox and sober
12:32:41 15 companion to come live at the Airbnb with us.

12:32:44 16 Q. What kind of rehab programs were these that you
12:32:48 17 looked up, were they for drugs, alcohol, or both?

12:32:51 18 A. Both.

12:32:56 19 Q. So how long did you stay at the Mercer, if you
12:32:59 20 remember?

12:33:00 21 A. I think it was like 2 or 3 days. We went out for
12:33:04 22 dinner one night, we went to the Apple store because his
12:33:07 23 phone and his computer were broken, and he had to leave in
12:33:11 24 the middle, so I dropped off, and you know, submitted his
12:33:17 25 phone and laptop at the Apple store for him.

Kestan - direct

12:33:20 1 Q. Did that happen on more than one occasion where he
12:33:24 2 lost a phone or had to replace a phone?

12:33:26 3 A. Yes.

12:33:26 4 Q. Approximately how many times would you say that
12:33:29 5 happened during the period you were with him?

12:33:32 6 A. Maybe 5 or 6.

12:33:36 7 Q. And when you were at the Mercer for 2 or 3 nights, 2
12:33:41 8 or 3 days, did you see him smoking crack?

12:33:44 9 A. Yes.

12:33:45 10 Q. Can we go to the next picture?

12:33:48 11 So this is the next day, March 26th, 2018;
12:33:54 12 right?

12:33:54 13 A. Yes.

12:33:54 14 Q. Where was this taken?

12:33:55 15 A. It's in the bathroom at the Mercer.

12:33:58 16 Q. And who is the woman in the picture?

12:34:00 17 A. That's me.

12:34:02 18 Q. And is that the defendant behind you?

12:34:04 19 A. Yes.

12:34:04 20 Q. And could we enlarge what's on that little table?
12:34:12 21 What's in his sunglasses case?

12:34:15 22 A. That looks like three pipes, looks like two of them
12:34:19 23 are a little bit more used than the one in the middle.

12:34:22 24 Q. Where did he keep drug paraphernalia?

12:34:25 25 A. He had a lot of stuff all the time with him, I saw

Kestan - direct

12:34:30 1 him keep pipes in various sunglasses cases. Toiletries
12:34:37 2 bags, leather pouches, at one point he had a tool box, and I
12:34:41 3 remember the top level of the tool box had pipes and
12:34:47 4 paraphernalia, kept them in his car.

12:34:49 5 Q. Is that also where he kept the drugs themselves, not
12:34:53 6 just the paraphernalia, but the drugs themselves, all those
12:34:56 7 things you described, pouches, sunglasses cases, backpacks?

12:35:01 8 A. Sometimes, in the hotel it was just usually out on
12:35:04 9 the table, maybe in a jacket pocket.

12:35:11 10 Q. Now, you testified that when you were at the Mercer,
12:35:14 11 the two of you discussed or made plans to go out to LA so
12:35:18 12 that he could go into some kind of rehab or detox, right?

12:35:22 13 A. Uh-huh.

12:35:23 14 Q. I think you also said you talked about renting an
12:35:26 15 Airbnb to do that?

12:35:27 16 A. Yes.

12:35:27 17 Q. So what happened?

12:35:28 18 A. I -- we booked the flights together on my laptop in
12:35:35 19 the Mercer. He wanted to go right away. I had to move out
12:35:38 20 of my apartment still, so our original flights were I think
12:35:43 21 four days apart, he was supposed to go there four days
12:35:46 22 before. He missed the first flight, I booked him another
12:35:50 23 one, and he missed the second one, and he was set to fly out
12:35:54 24 the day before me and he texted me that the Airbnb had
12:35:59 25 gotten canceled, I thought it was because the host of the

Kestan - direct

12:36:05 1 Airbnb had recognized the name because we booked it under
12:36:08 2 his personal Airbnb account, he called me and texted me and
12:36:12 3 said don't worry about it, I'm going to get a room at The
12:36:18 4 Chateau Marmont.

12:36:18 5 Q. What is the Chateau Marmont?

12:36:20 6 A. A hotel in LA.

12:36:22 7 Q. You testified he missed two flights, is that right?

12:36:24 8 A. Yes.

12:36:24 9 Q. Did he make the flight eventually?

12:36:26 10 A. He missed it. I remember going and doing it on my
12:36:29 11 phone and booking him another one and texting to ask if he
12:36:34 12 made it on the flight, and by the third time, he did.

12:36:38 13 Q. Okay. And then did you follow?

12:36:42 14 A. Yeah, I -- he got there on the day he got there, and
12:36:46 15 I was scheduled to fly out the next day. We were in
12:36:50 16 contact, and when I landed, he was supposed to come pick me
12:36:55 17 up at LAX, and he was late, so he asked me to get an Uber
12:37:02 18 and we met halfway between where he was at the In And Out,
12:37:07 19 and we switched all my bags into his car there, and then we
12:37:11 20 drove to the Chateau Marmont.

12:37:13 21 Q. You testified that the plan was for him to go to
12:37:16 22 California for rehab and detox. When you got to the Chateau
12:37:21 23 Marmont, was he detoxing?

12:37:23 24 A. No it seems like the plan had gone out the window.

12:37:27 25 Q. What's going on at the Chateau Marmont?

Kestan - direct

12:37:30 1 A. I wasn't expecting it but when I got to the room,
12:37:33 2 it's like a mini house, like a bungalow, there were two
12:37:38 3 women there. I guess he had met them from next door, and
12:37:42 4 there were bottles of alcohol and food and drug
12:37:45 5 paraphernalia around the room.

12:37:46 6 When I got there, he told me that he couldn't
12:37:49 7 get the women to leave. And we tried to get them to leave
12:37:53 8 by going out for dinner.

12:37:56 9 Q. And eventually, did you come back that night?

12:37:58 10 A. Yep. We came back that night and I was really glad
12:38:03 11 to see him. I think after an hour or two, he told me he had
12:38:08 12 to leave -- he told me that a dealer would be coming, a
12:38:11 13 dealer that he knew from LA.

12:38:12 14 Q. What kind of dealer?

12:38:13 15 A. He told me he was Samoan.

12:38:16 16 Q. What would be --

12:38:17 17 A. For his drug of choice, for crack, he told me he had,
12:38:21 18 you know, used this dealer previous times he had been in LA.

12:38:26 19 Q. I think you testified that he said he had to leave?

12:38:28 20 A. Yeah. I think he went to go get cash, but then he
12:38:33 21 was gone for a while. After an hour, I couldn't get a hold
12:38:37 22 of him, and the dealer showed up, and I was there in the
12:38:40 23 room with a kind of scary drug dealer probably for another
12:38:45 24 hour, neither of us could get ahold of him until he came
12:38:48 25 back in.

Kestan - direct

12:38:48 1 Q. And eventually did he come back?

12:38:51 2 A. Yes, and they did the exchange and the dealer left.

12:38:54 3 Q. And was this -- did you see this dealer on -- this

12:39:01 4 dealer that you described coming the first night to the

12:39:04 5 Chateau on more than one occasion?

12:39:06 6 A. Yes.

12:39:07 7 After we spent that first night in what they

12:39:11 8 called the bungalows, we moved into a room in the tower for

12:39:16 9 about a week. And we spent more time together in that room.

12:39:21 10 But after that, we moved into another bungalow where

12:39:25 11 essentially the tower is off to one side and then there is a

12:39:30 12 gated pool and bungalow area when you have a room there, you

12:39:33 13 get a key, and besides the gate that's in the main entrance

12:39:39 14 of the hotel, there is also a gate that goes directly out to

12:39:42 15 the street.

12:39:42 16 By the time we were living in the bungalow, at

12:39:46 17 this point we had booked it for a whole month, the same drug

12:39:50 18 dealer would come often and wait by the side gate and one of

12:39:55 19 us would go let him in so he wouldn't have to come in the

12:39:59 20 lobby area of the hotel.

12:40:00 21 Q. Do you remember that happening on more than one

12:40:02 22 occasion?

12:40:03 23 A. Yes.

12:40:03 24 Q. Just to locate us in time, you testified you had been

12:40:06 25 at the Mercer in March making plans to come to Los Angeles,

Kestan - direct

12:40:10 1 now you're at the Chateau. What month are you in in 2018
12:40:14 2 when you first start, sounds like about a month stay at the
12:40:18 3 Chateau?

12:40:18 4 A. Yeah, I think we were there for about five days,
12:40:22 5 maybe four, before he decided to book, you know, with the
12:40:27 6 hotel for a full month long stay, so in total it was
12:40:31 7 probably a month and five days.

12:40:33 8 Q. So that would be from when to when?

12:40:36 9 A. I think I got there, I think, on the 4th or 5th, so I
12:40:41 10 feel like it would be April 11th to May 11th.

12:40:45 11 Q. Okay. And if we could see the next picture. Where
12:40:51 12 was this picture taken?

12:40:53 13 A. That's in the room in the tower. We just started the
12:40:57 14 residency. He had gone out and bought me funny T-shirts and
12:41:03 15 he bought that one for himself.

12:41:05 16 Q. What does his T-shirt say?

12:41:08 17 A. Says Addicted with a marijuana leaf symbol to make a
12:41:13 18 joke about Adidas.

12:41:16 19 Q. If we could come out. This is dated April the 11th?

12:41:19 20 A. I thought that was funny because he didn't smoke
12:41:22 21 weed.

12:41:28 22 Q. And if we move forward in time, I think you said you
12:41:31 23 were there for at least a month. What is the next photo?

12:41:37 24 A. This is from May the 11th.

12:41:39 25 Q. Where was this photo taken?

Kestan - direct

12:41:41 1 A. That was one of the last few nights at the final
12:41:46 2 bungalow that stay, and us, yeah, late at night, I think it
12:41:54 3 was at like 3:00 in the morning, and it was the bungalow, we
12:42:01 4 were taking a bath together.

12:42:02 5 Q. What's in his, I guess right-hand?

12:42:05 6 A. That's a pipe, he would put this little grip on it, I
12:42:09 7 think it's for like a pencil either to protect his lips from
12:42:14 8 the heat or from the resin or something.

12:42:18 9 Q. We can take that down.

12:42:20 10 You testified --

12:42:21 11 MR. LOWELL: Your Honor, can I talk to counsel,
12:42:23 12 I know this -- there is something about the exhibits I would
12:42:26 13 like to ask him about.

12:42:27 14 THE COURT: Okay.

12:43:29 15 (Discussion off record between counsel:)

12:43:35 16 BY MR. WISE:

12:43:38 17 Q. So what I was about to ask you, was you testified
12:43:42 18 that this dealer that came the first night to the Chateau
12:43:45 19 came on other occasions, I think you said through this gate?

12:43:49 20 A. Yes.

12:43:49 21 Q. And at some point, did the defendant start using a
12:43:55 22 different dealer while you were at the Chateau with him?

12:43:58 23 A. Yes. By the time we moved to this bungalow, the one
12:44:03 24 from the bathtub picture, he started saying that he felt he
12:44:08 25 was getting ripped off by this big Samoan guy, either the

Kestan - direct

12:44:14 1 quality wasn't good or the quantity wasn't the amount he
12:44:18 2 paid for. He knew it was easier to find powder cocaine, so
12:44:23 3 we were in this bungalow that had a kitchen in it, and he
12:44:27 4 eventually found a powder cocaine dealer and was kind of
12:44:33 5 testing out how to cook it in there.

12:44:35 6 Q. Did you see him doing that? Did you see him testing
12:44:39 7 out cooking it, cooking powder cocaine into crack in the
12:44:44 8 kitchen at the bungalow at the Chateau?

12:44:46 9 A. Yeah, I sat at the kitchen, and he had me look up
12:44:50 10 things on the internet about it while he was trying it.

12:44:52 11 Q. And was he able to do it?

12:44:54 12 A. Yes. The yields of it, I guess is what you would
12:45:00 13 say, probably wasn't as much as he wanted, but he was trying
12:45:05 14 to figure out how to do it.

12:45:07 15 Q. And then moving forward in time from when I guess he
12:45:11 16 figured it out, did he buy both powder and crack cocaine?

12:45:16 17 A. Yes.

12:45:17 18 Q. Now you said the residency, I think that was the word
12:45:27 19 you used, ended at the Chateau Marmont in May of 2018,
12:45:33 20 right, the middle of the month?

12:45:34 21 A. Yes.

12:45:34 22 Q. Where did you two go from there?

12:45:37 23 A. I had just started my meetings with the factories, I
12:45:43 24 had to wait when I first got to California for a box to be
12:45:47 25 shipped. So towards the end, I was starting to have things

Kestan - direct

12:45:50 1 to do.

12:45:51 2 And by this time, he was disappearing more, and
12:45:56 3 I was starting to feel unstable and unsettled and there were
12:46:00 4 a couple of days where I would wake up there alone and I
12:46:03 5 would get a call from the front desk asking if we were
12:46:07 6 planning to go checkout.

12:46:09 7 So we spoke briefly, but I ended up booking an
12:46:15 8 Airbnb in Hollywood and the day that, you know, we checked
12:46:20 9 out of the Chateau Marmont, we took all of his things and my
12:46:26 10 things to this new Airbnb.

12:46:28 11 THE COURT: Mr. Wise, is this a good time for us
12:46:30 12 to take our lunch break?

12:46:32 13 MR. WISE: Sure.

12:46:32 14 THE COURT: Members of the jury, we're going to
12:46:34 15 take our lunch break. We'll come back in an hour.

12:46:42 16 COURTROOM DEPUTY: All rise.

12:46:43 17 (Jury exiting the courtroom at 12:46 p.m.)

12:47:08 18 THE COURT: All right. Anything we need to
12:47:13 19 discuss?

12:47:14 20 MR. WISE: No, Your Honor. Thank you.

12:47:15 21 THE COURT: All right. I'll see you in an hour.

12:47:17 22 (A luncheon recess was taken.)

13:49:05 23 COURTROOM DEPUTY: All rise.

13:49:07 24 THE COURT: Bring in the jury.

13:49:11 25 (Jury entering the courtroom at 1:49 p.m.)

Kestan - direct

13:49:27 1 THE COURT: All right. Members of the jury,
13:49:37 2 welcome back. Everyone may be seated.

13:49:40 3 Mr. Wise, you may continue.

13:49:45 4 MR. WISE: Thank you, Your Honor.

13:49:46 5 BY MR. WISE:

13:49:52 6 Q. Ms. Kestan, when we broke, you had just testified
13:49:56 7 that in mid May, the month or so that you and the defendant
13:50:01 8 spent at the Chateau Marmont came to an end; right?

13:50:06 9 A. Yes.

13:50:06 10 Q. And I think you started to testify that from there,
13:50:11 11 you rented an Airbnb in LA, is that right?

13:50:14 12 A. Yes.

13:50:14 13 Q. And did the defendant stay with you at the Airbnb?

13:50:19 14 A. At first we moved all of our things over there. But
13:50:25 15 he had plans to go back to the East Coast at some point soon
13:50:29 16 for his daughter's graduation, so it was, you know, for both
13:50:34 17 of us in some sense, but...

13:50:38 18 Q. What if anything happened that very first night you
13:50:41 19 had the -- I guess had rented the Airbnb whether or not you
13:50:45 20 stayed there?

13:50:46 21 A. The night that -- or the afternoon that we went over
13:50:49 22 there, we brought all of our things and later that night,
13:50:53 23 Hunter had two men come over to the Airbnb, one of them was
13:50:57 24 a dealer.

13:50:58 25 Q. What kind of dealer?

Kestan - direct

13:50:59 1 A. Cocaine dealer.

13:51:02 2 Q. Okay.

13:51:02 3 A. The other man I think was a security guy from the
13:51:07 4 strip club. And they brought over powdered cocaine and they
13:51:15 5 stayed for about an hour.

13:51:16 6 And one of -- one or both of the men suggested
13:51:20 7 that we go to a different hotel called The Roosevelt to
13:51:25 8 throw a party.

13:51:26 9 Q. Did you and the defendant do that, did you go to The
13:51:29 10 Roosevelt, even though you had the Airbnb?

13:51:31 11 A. Yes. We did. So, a big suite room that the men had
13:51:36 12 talked about wasn't available, so he said he got two
13:51:39 13 separate rooms. I was tired so I went to the one in the
13:51:44 14 tower of the hotel, but I fell asleep up there, and he and
13:51:49 15 the other men went to the other room, which was down by the
13:51:53 16 pool. When I woke up, I remember it was mother's day and I
13:51:57 17 called my mom. And then I went down and found them in the
13:52:01 18 pool room area, and they had been up all night and they were
13:52:06 19 all still there.

13:52:07 20 Q. Okay. And what happened after that?

13:52:14 21 A. We hung out by the pool for a couple of hours and at
13:52:18 22 a certain point, Hunter told me that Hallie was on her way
13:52:22 23 to the hotel, I guess she had flown over to California and
13:52:26 24 he asked me to leave. So I went back to the Airbnb.

13:52:31 25 Q. Okay. And then when was the next time you saw the

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13:52:35 1 defendant after -- well, was he using drugs for the night at
13:52:40 2 The Roosevelt that you saw?

13:52:42 3 A. Like I said, I went to the room by myself the first
13:52:46 4 night, but the next morning after I woke up and met up with
13:52:50 5 them, he was using that day. And a day or so after, I left
13:52:57 6 to go back to the Airbnb. He told me he was going to try
13:53:00 7 rehab south of LA, I think he said Long Beach, but I'm not
13:53:05 8 sure.

13:53:06 9 Q. Okay. So after he told you he was going to try a
13:53:09 10 rehab south of LA, when was the next time you saw him?

13:53:13 11 A. I think about a week later, I hadn't heard from him
13:53:17 12 after he said that he was going to the rehab, I didn't get
13:53:20 13 any confirmation that he was there. And I was starting to
13:53:26 14 get, you know, stressed out, a little upset, not knowing
13:53:31 15 what was going on. And at one point, I opened my laptop
13:53:35 16 which had his bank account log in information still on from
13:53:39 17 when he had used it, and I saw that there was a recent ATM
13:53:43 18 withdrawal that was no where near south of LA. And I
13:53:49 19 reached out to him questioning whether he did go to the
13:53:54 20 rehab.

13:53:55 21 Q. What, if anything, did he tell you about whether he
13:53:58 22 went to the rehab?

13:54:00 23 A. He didn't respond to that question. He said don't
13:54:05 24 worry about me, or something like that. And I think a
13:54:09 25 couple of days later he showed up at the Airbnb and told me

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13:54:14 1 he had been staying at a different hotel called The Jeremy.

13:54:18 2 Q. Now, you testified that you had opened your laptop
13:54:21 3 and I guess his bank log in information had been saved. Did
13:54:24 4 you ever -- did you ever do anything in his -- any banking
13:54:28 5 out of his accounts?

13:54:29 6 A. No. But there were a number of times where I think
13:54:34 7 at that point he had two laptops, and various things were
13:54:39 8 broken, and in New York and in LA, he used my laptop for
13:54:44 9 things, yeah.

13:54:45 10 Q. You testified he told you he had been staying at a
13:54:48 11 hotel called The Jeremy, at some point did you go there?

13:54:53 12 A. The day he showed up at my Airbnb, he told me he had
13:54:57 13 been staying at The Jeremy, and the night before he had met
13:55:01 14 a young woman that was homeless and he had offered her a
13:55:05 15 stay at The Jeremy with him. I know I could go back to The
13:55:13 16 Jeremy with him from the Airbnb, but later that evening I
13:55:15 17 took an Uber and went to The Jeremy where I found him there
13:55:19 18 with this young woman.

13:55:21 19 Q. And then what happened?

13:55:23 20 A. Eventually she left. I had a dentist appointment the
13:55:27 21 next morning early, close to that hotel, so I thought we
13:55:32 22 would spend the night together in The Jeremy, but I think
13:55:36 23 around 9 o'clock he said he had to leave and he didn't
13:55:38 24 return at all that night. I left early for my dentist
13:55:43 25 appointment, went back to my Airbnb and around 5:00 p.m. the

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13:55:48 1 next day he finally responded. Claiming he had fallen
13:55:53 2 asleep. And then he said he had to catch a flight back to
13:55:56 3 the East Coast and that he would leave his car at LAX for me
13:56:02 4 to pick up.

13:56:03 5 So the next day I picked up the car, and he had
13:56:08 6 also asked me because he had to leave so rushed, if I would
13:56:13 7 clean up his hotel room at The Jeremy, and officially
13:56:17 8 checkout for him. So the next morning once he was gone I
13:56:21 9 drove his car over there to clean up the room and checkout.

13:56:25 10 Q. And if we could have Exhibit 38 back. I'm showing
13:56:33 11 you a picture dated May 25th of 2018. Where was this
13:56:38 12 picture taken?

13:56:38 13 A. This was the room that I -- that he had stayed in at
13:56:44 14 The Jeremy, and I was quite angry that I had to clean it up.
13:56:51 15 So this is the state that I found it in.

13:56:53 16 Q. You testified you had been there with him for some
13:56:56 17 number of hours, I guess, that first night before he left.
13:56:59 18 Was he using drugs while you were there for how ever long it
13:57:03 19 was with him?

13:57:04 20 A. I think it was only 1 or 2 hours, but yes.

13:57:06 21 Q. And then, is there drug paraphernalia on this table?

13:57:10 22 A. Yes.

13:57:10 23 Q. And maybe you can describe what it is and where it
13:57:13 24 is?

13:57:13 25 A. There are two boxes of baking soda, one on either

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13:57:19 1 side of the table. I see --

13:57:21 2 Q. What is baking soda used for?

13:57:23 3 A. You use that to mix with the powder cocaine to turn
13:57:28 4 it into crack cocaine.

13:57:28 5 Q. Had you seen him do that?

13:57:30 6 A. Yes.

13:57:31 7 Q. What else?

13:57:33 8 A. Behind the bottles of tequila and vodka and part of a
13:57:39 9 broken pipe behind it, there are also two pipes on the
13:57:43 10 magazines in the middle of the table. There is a glass bowl
13:57:49 11 off to the right that has the residue of mixing the cocaine
13:57:55 12 and the baking soda, and I think the black spot underneath
13:58:00 13 is from heating up the bottom of the bowl. There are also
13:58:05 14 spoons, he used both spoons and bigger bowls to do this, and
13:58:10 15 that's why I think there are black marks every where because
13:58:16 16 the heating process would cause stuff to get every where.

13:58:24 17 Q. And then there is also like a bottle of liquor, you
13:58:31 18 mentioned the tequila bottle, the Smirnoff bottle, and the
13:58:35 19 Jack Daniels bottles that are also in the picture?

13:58:37 20 A. Yes. And I see some chop sticks looking things, that
13:58:41 21 would have been used to clean out used pipes.

13:58:45 22 Q. And then -- so then this is 12:57 on May 25th. If we
13:58:51 23 could go to the next picture. Is this just a couple of
13:58:55 24 minutes later?

13:58:56 25 A. Yeah, that's in the bathroom of that same hotel room.

Kestan - direct

13:59:00 1 Q. What's in that mug and then looks like a mixing cup
13:59:03 2 on the counter there?

13:59:04 3 A. Yeah. The smaller dish, the mug just looks like
13:59:10 4 maybe cigarette ash in a cup of water for some reason. And
13:59:15 5 the other canister thing looks like it's been used to cook
13:59:24 6 the baking soda and the cocaine and the black on the bottom
13:59:37 7 from heating it.

13:59:37 8 Q. You testified that he told you he had to catch a
13:59:40 9 flight to the East Coast. Was it your understanding that he
13:59:44 10 did in fact catch a flight back to the East Coast and we're
13:59:48 11 still in May of 2019?

13:59:50 12 A. Yeah, I picked up his car at the airport, he left his
13:59:54 13 keys on the wheel for me. And I think he said it would only
13:59:57 14 be a week or two. And I know that when he did try to come
14:00:02 15 back to the West Coast, he missed a couple of flights, and I
14:00:05 16 think it was three weeks later that he came back.

14:00:08 17 Q. But you anticipated my next question, which was at
14:00:12 18 some point did he come back?

14:00:14 19 A. Yes.

14:00:14 20 Q. And approximately when was that?

14:00:17 21 A. Middle of June, maybe.

14:00:20 22 Q. And did you see him when he came back?

14:00:24 23 A. The night -- or he texted me when he was on the
14:00:27 24 flight and I drove his car to LAX and picked him up. When I
14:00:33 25 picked him up, he said he wanted to go to the hotel, Sixty,

Kestan - direct

14:00:37 1 the same chain of hotels as the one we did in New York, but
14:00:40 2 in Beverly Hills.

14:00:42 3 Q. If I could have the next picture in this photograph.
14:00:45 4 This is a photograph from June 18th of 2018. Where was this
14:00:49 5 taken?

14:00:49 6 A. That's in the hotel room at the Sixty, Beverly Hills.

14:00:53 7 Q. What's on the night stand in the upper right-hand of
14:00:58 8 the picture over the defendant's shoulder?

14:01:00 9 A. Looks like a plastic bag with drugs in it.

14:01:03 10 Q. What kind of drugs?

14:01:04 11 A. Cocaine.

14:01:06 12 Q. And did you see him use -- smoke crack when you were
14:01:11 13 at The Sixty in Beverly Hills, now in June of 2018?

14:01:16 14 A. Yes.

14:01:19 15 Q. How long did you stay at The Sixty?

14:01:22 16 A. Maybe 3 or 4 days.

14:01:25 17 Q. And then where did you go from there?

14:01:28 18 A. He had talked about going to a place called Esalen in
14:01:35 19 Big Sur, California, he spoke about it like it was a
14:01:38 20 potential sobriety attempt, but it was a yoga retreat. At
14:01:44 21 one point, he suggested that we drive up the coast together,
14:01:48 22 but eventually, I don't know what happened, but he went --
14:01:51 23 he said he was going up there. I think actually before
14:01:55 24 that, when we left The Sixty, he wanted to spend one more
14:01:59 25 night in a different hotel. We went to a party downtown and

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14:02:03 1 after that, we stayed at a hotel near by called The Nomad.

14:02:09 2 Q. If I could see the next photograph and exhibit. This
14:02:12 3 is from June 23rd of 2018. Where was this taken?

14:02:16 4 A. That's at the Nomad.

14:02:17 5 Q. The place you just testified about?

14:02:20 6 A. Yes.

14:02:20 7 Q. If you could zoom in on the table. What's on the
14:02:23 8 table?

14:02:24 9 A. A chop stick and a broken pen cap for you know, using
14:02:29 10 to clean out the pipes, and a torch lighter, and it looks
14:02:34 11 like a can of butane for the torch lighter.

14:02:37 12 Q. If I didn't ask you before, what's the torch lighter,
14:02:40 13 I guess it's filled with butane, used for?

14:02:43 14 A. I mean, it could be used for lighting you know, a
14:02:46 15 pipe or cigarette or whatever, but it has, you know, more
14:02:50 16 strength than a regular lighter, so I think it was his
14:02:55 17 preference for applying the heat for mixing the drugs.

14:02:59 18 Q. Did you see him do that?

14:03:00 19 A. Yes.

14:03:02 20 Q. Moving forward in time if I could see the next photo.

14:03:05 21 So this is June 30th of 2018. What's this a
14:03:10 22 picture of?

14:03:10 23 A. His driver's license.

14:03:11 24 Q. And is this something he sent you or a picture you
14:03:15 25 took of the actual driver's license, if you know?

Kestan - direct

14:03:18 1 A. I think it -- I'm pretty sure that he sent me the
14:03:21 2 photo of the driver's license.

14:03:23 3 Q. Do you recall why he sent you a photo of his
14:03:27 4 drivers's license?

14:03:27 5 A. I believe it would have been for the address on the
14:03:30 6 license for a billing address for something.

14:03:32 7 Q. Okay. Now you said that he told you he wanted to go
14:03:41 8 to a place called Esalen, after I guess one more night in
14:03:45 9 LA. Where did you go from this last hotel?

14:03:47 10 A. Back to the Airbnb in Hollywood.

14:03:51 11 Q. How long did you stay there?

14:03:53 12 A. I believe I only had it for a little over a week
14:03:59 13 left, and it kind of worked out for the timing of his
14:04:02 14 planned trip to Esalen. He was supposed to come back the
14:04:07 15 day that I was going to move out of the Airbnb, so I went to
14:04:14 16 a hotel to meet him there called The Standard, but he didn't
14:04:18 17 show up until a day later.

14:04:21 18 Q. Okay. And did you then stay with him at The
14:04:25 19 Standard?

14:04:25 20 A. Yes, I spent the first night there by myself and the
14:04:29 21 second night there with him.

14:04:30 22 Q. Was he using drugs when he came back from Esalen?

14:04:34 23 A. Yes.

14:04:34 24 Q. At the standard?

14:04:35 25 A. Yes.

Kestan - direct

14:04:39 1 Q. How much longer did you stay in LA?

14:04:44 2 A. This is in early July. I believe I left LA sometime
14:04:51 3 between like the 10th or the 13th of August.

14:04:55 4 Q. Okay. So you spent about --

14:04:57 5 A. Another month or so.

14:04:58 6 Q. Another month in the Airbnb?

14:05:00 7 A. At this point, I didn't have the Airbnb anymore. He
14:05:03 8 suggested I book another one in downtown LA. Actually after
14:05:08 9 The Standard, we went back to The Nomad, and we were there
14:05:11 10 on July 4th. And once that trip at that -- at The Nomad was
14:05:19 11 over I moved into an Airbnb. That was also in downtown.
14:05:26 12 And he had to leave for some reason.

14:05:28 13 Q. And did he leave the Airbnb or did he leave LA, what
14:05:32 14 was your understanding of where he went?

14:05:35 15 A. I don't remember what he said in terms of where he
14:05:38 16 went. He always had something to take care of. We didn't
14:05:42 17 speak for a week or so. I think we got into an argument
14:05:46 18 actually on the night of July 4th, he had me invite friends
14:05:52 19 of mine and people that we met at the pool to our room of
14:05:56 20 our hotel, and I remember the next day he got angry with me
14:06:00 21 because he thought that I had been speaking badly about him
14:06:03 22 to those people and he left angrily, and he left his
14:06:10 23 computer at the hotel. After an hour, after he left, he
14:06:14 24 texted me saying I needed to put his computer in an Uber,
14:06:18 25 and send it to The Roosevelt Hotel, where he was now.

Kestan - direct

14:06:22 1 Q. In that month, I guess this second Airbnb, did you
14:06:26 2 see him in July and into August before you left you said?

14:06:30 3 A. He wasn't returning my texts and phone calls and
14:06:34 4 e-mails for a couple of weeks, and one day, later in July,
14:06:38 5 he called me and said he was in downtown and two blocks away
14:06:42 6 from me, to come meet him. He was at a cell phone store and
14:06:48 7 I walked in and he said to the guy, my girlfriend is mad at
14:06:51 8 me. And we went shopping at a bookstore and he spent a
14:06:55 9 night or two at the Airbnb before he said he had to leave to
14:06:58 10 go deal with something, I think it was his cousin.

14:07:02 11 Q. Back on the East Coast?

14:07:03 12 A. No, in California.

14:07:04 13 Q. In California. Okay. And the night or two, whatever
14:07:07 14 it was that he spent with you, was he still using drugs at
14:07:11 15 that point?

14:07:11 16 A. Yes.

14:07:12 17 Q. And then I think you said you then left LA in early
14:07:18 18 August; is that right?

14:07:19 19 A. Yeah. The night or so -- it could have been two
14:07:24 20 nights that he spent with me in the Airbnb, it was the
14:07:27 21 Friday before my birthday, which was on a Monday, and he had
14:07:31 22 said that he would come back to spend my birthday with me.
14:07:34 23 He never -- he never responded to my calls or texts and
14:07:38 24 never showed up. And it was about this time that my
14:07:45 25 production process that was happening at the factories was

Kestan - direct

14:07:49 1 ready to basically move into production, I had to proof the
14:07:53 2 samples, so I would have a month or two before anything else
14:07:56 3 would happen, and I didn't have much else to do in LA, and I
14:08:01 4 was really upset and emotionally distraught, so I decided to
14:08:05 5 go back to New York early.

14:08:06 6 Q. Okay. And that would have been, I think you said, in
14:08:09 7 early August when you went back to New York?

14:08:11 8 A. It was the week of my birthday, which is the sixth.

14:08:16 9 Q. Okay. Moving forward in time, did you again come to
14:08:21 10 talk to him or facetime with him when you were in New York
14:08:25 11 and he was in LA?

14:08:27 12 A. When I first got back to New York, I told myself that
14:08:31 13 I needed to cut contact with him for a bit because it wasn't
14:08:36 14 healthy for me. But eventually I really missed him and we
14:08:40 15 started talking over Facetime, on the phone, in early
14:08:46 16 September, and by middle of September, I got the call from
14:08:51 17 my factory that the final samples had been finished and
14:08:55 18 needed approval, and by this time he and I had been
14:09:00 19 Facetiming, he told me he had been staying in a house in
14:09:03 20 Malibu and invited me to come back to California.

14:09:08 21 Q. Okay. If we could have the next picture, this is
14:09:11 22 from September the 10th of 2018. Here is an image of you in
14:09:17 23 the upper corner and an image in the middle. Is that you in
14:09:21 24 the upper right-hand?

14:09:22 25 A. Yes.

Kestan - direct

14:09:23 1 Q. Where are you?

14:09:23 2 A. I'm in New York, yeah.

14:09:25 3 Q. And where is -- who was in the middle picture?

14:09:28 4 A. He was face timing me from Malibu to show me his new
14:09:32 5 tattoo.

14:09:32 6 Q. This is when he's in the house in Malibu when he
14:09:36 7 mentioned that he wanted you to come and stay with him; is
14:09:40 8 that right?

14:09:40 9 A. Yes.

14:09:40 10 Q. You can take that down.

14:09:41 11 Did you eventually go to LA and then from LA
14:09:46 12 stay in the house with him in Malibu?

14:09:48 13 A. Yeah, I planned a trip for a week or so, I think it
14:09:52 14 was the 19th -- no, it was like the 16th, 17th of September.
14:09:59 15 I planned to spend the first two days in Downtown LA so I
14:10:04 16 could take my meetings with the factories, and then planned
14:10:08 17 to go to Malibu. When I landed, he picked me -- or, when
14:10:13 18 the plane landed, he was still driving from Malibu back
14:10:17 19 across Los Angeles, and told me to meet him at a hotel
14:10:21 20 called Freehand. So I took an Uber from the airport to the
14:10:26 21 Freehand, we met in the lobby, and I think we spent two
14:10:30 22 nights -- a night or two there.

14:10:32 23 Q. If I can see the next picture. This is from
14:10:35 24 September the 18th, 2018. Where was this picture taken?

14:10:37 25 A. That's in The Freehand.

Kestan - direct

14:10:39 1 Q. Is that what it says on the bath robe, The Freehand?

14:10:42 2 A. Yes.

14:10:43 3 Q. And you testified he was there with you for a night
14:10:45 4 or two?

14:10:45 5 A. Yes. I believe we got there at around 10 o'clock, we
14:10:50 6 met in the lobby. We spent the night there. When we woke
14:10:53 7 up, we went out to the street, and his car had been towed,
14:10:58 8 and he asked me to go to the tow lot to go retrieve his car,
14:11:03 9 and I believe once I did that, I came back to downtown LA,
14:11:08 10 he went back to Malibu in his car. I spent one more night
14:11:12 11 in the hotel by myself, and I spent another night with
14:11:15 12 friends downtown while they took my meetings over there.

14:11:19 13 Q. And so staying first at The Freehand, you said he
14:11:22 14 came to stay with you at The Freehand?

14:11:24 15 A. We met there the night that I landed.

14:11:26 16 Q. And this was September the 18th of 2018, right?

14:11:31 17 A. I believe I was in the room by myself when I took
14:11:33 18 that photo, so I think the day that we woke up there and he
14:11:38 19 left later was the 17th.

14:11:40 20 Q. Okay. The day or -- and the night he was there with
14:11:44 21 you, did you see him smoking crack at The Freehand?

14:11:47 22 A. Yes.

14:11:48 23 Q. All right. And this again is in September 17th,
14:11:51 24 let's say of 2018; right?

14:11:53 25 A. Yes.

Kestan - direct

14:11:54 1 Q. And then from there, did you actually go to the house
14:11:59 2 he had rented in Malibu?

14:12:01 3 A. Yeah. After my meetings were finished and I approved
14:12:05 4 the samples, I had a rental car this trip and I drove out to
14:12:11 5 Malibu to this house he was staying in. And it was the same
14:12:15 6 one from that face time.

14:12:16 7 Q. From the face time on September the 10th?

14:12:19 8 A. Uh-huh.

14:12:19 9 Q. If I can see the next picture.

14:12:21 10 This is from September the 20th. If you could
14:12:26 11 maybe enlarge the bottom, it's kind of small. That's
14:12:32 12 September the 20th of 2018?

14:12:33 13 A. Yes.

14:12:34 14 Q. Did you actually take this picture yourself?

14:12:36 15 A. Yes.

14:12:36 16 Q. And where was this picture taken?

14:12:38 17 A. In the bedroom of the Malibu house.

14:12:40 18 Q. Who is it of in silhouette?

14:12:43 19 A. It's of Hunter.

14:12:45 20 Q. All right. Now, when you get there on September
14:12:50 21 the 20th of 2018, you've already testified he was smoking
14:12:54 22 crack at The Freehand. Was he smoking crack at the Malibu
14:12:57 23 house, when you were there in that week starting on
14:13:02 24 September the 20th?

14:13:02 25 A. Yes.

Kestan - direct

14:13:02 1 Q. And how frequently?

14:13:04 2 A. Every 20 minutes or so.

14:13:07 3 Q. And did you see drugs and drug paraphernalia in the
14:13:10 4 house in Malibu?

14:13:12 5 A. Yes.

14:13:12 6 Q. Where?

14:13:13 7 A. In the bedroom, in the bathroom of the master
14:13:18 8 bedroom, he spent a lot of time in there. In the kitchen.
14:13:23 9 It was a big house, so kind of all over.

14:13:27 10 Q. Was there anyone staying there with him when you were
14:13:30 11 there?

14:13:31 12 A. When I drove out there from downtown, I picked up a
14:13:35 13 friend of ours that we had met over the summer named Filipa,
14:13:40 14 an artist, she had planned to do a project with him. She
14:13:46 15 was painting him, he wanted the three of us to brainstorm
14:13:50 16 together there. So she stayed there I think 1 or 2 nights
14:13:53 17 in one of the other bedrooms. And I believe she left before
14:13:58 18 I did. I was there by myself for another night or two.

14:14:02 19 Q. With him?

14:14:02 20 A. With him.

14:14:04 21 Q. Okay. At any point when you were with him in Malibu
14:14:10 22 in September and he was smoking crack, did he tell you he
14:14:14 23 had recently tried rehab?

14:14:16 24 A. I don't remember. I think when I was in New York, he
14:14:21 25 might have referred to the reason that he had been so hard

Kestan - direct

14:14:28 1 to contact and unresponsive was that he was trying to do a
14:14:34 2 rehab or meeting with a -- you know, rehab coach or sober
14:14:39 3 companion. But when I was there in Malibu, he didn't
14:14:44 4 mention a specific session from time to time.

14:14:48 5 Q. And he was using drugs again, right?

14:14:50 6 A. Yes.

14:14:51 7 Q. And there wasn't a sober companion in the house was
14:14:54 8 there?

14:14:54 9 A. No.

14:14:54 10 Q. Just you and Filipa it sounds like for a time?

14:14:59 11 A. Yeah.

14:14:59 12 Q. Was he drinking when you were in Malibu with him?

14:15:02 13 A. Yes.

14:15:02 14 Q. And when did you leave Malibu, what was the date when
14:15:06 15 you left Malibu?

14:15:07 16 A. It was the 20 something, either the 22nd or 23rd. He
14:15:13 17 was acting more stressed out, erratic, he yelled at me a
14:15:21 18 couple of times, I think, because I felt like he wasn't
14:15:24 19 giving me any attention at all. He was on the phone,
14:15:28 20 stressed out with people, and I told myself I should leave.
14:15:33 21 So I think I left a day earlier than I planned to go back to
14:15:37 22 New York.

14:15:42 23 Q. Over the period of time that you described from
14:15:46 24 December of 2017 through the end of September of 2018, did
14:15:52 25 you and the defendant talk about his drug use?

Kestan - direct

14:15:55 1 A. Yes.

14:15:56 2 Q. And what did you talk about?

14:15:59 3 A. From the beginning really he spoke about being an
14:16:06 4 addict and various times in his life that he had, you know,
14:16:11 5 gotten through chunks of time with sobriety and he told me
14:16:15 6 all about the teachings of AA. And as early as I can
14:16:23 7 remember during this whole time he spoke about the fact that
14:16:27 8 no matter how long you are sober, you will always be an
14:16:31 9 addict.

14:16:32 10 Q. Did he refer to himself as that way?

14:16:35 11 A. Yes.

14:16:35 12 Q. Did he ever say he wasn't an addict?

14:16:38 13 A. No.

14:16:38 14 Q. Did he ever say he wasn't suffering from addiction?

14:16:43 15 A. Not in that phrasing.

14:16:46 16 Q. Now, you said you left around September the 24th of
14:16:55 17 2018; right?

14:16:56 18 A. Uh-huh.

14:16:57 19 Q. When was the next time you saw him?

14:17:01 20 A. The next time I saw him was the 18th or 19th of
14:17:09 21 November.

14:17:09 22 Q. Where did you see him?

14:17:10 23 A. In Massachusetts.

14:17:12 24 Q. And why did you go to see him in Massachusetts?

14:17:16 25 A. For most of October he was out of contact with me,

Kestan - direct

14:17:21 1 unresponsive to me reaching out. But I think by late
14:17:26 2 October, early November, he said that he was in Newburyport,
14:17:32 3 Massachusetts, and was very depressed and eventually he
14:17:37 4 asked me to get on a plane to go to Boston.

14:17:40 5 Q. And did you?

14:17:43 6 A. I did.

14:17:43 7 Q. And when you got there, where was he staying?

14:17:46 8 A. He was staying on an island called Plum Island, next
14:17:52 9 to, or part of a place called Newburyport, Massachusetts, he
14:17:57 10 said he was doing a ketamine infusion treatment.

14:18:01 11 Q. What did you understand that to mean?

14:18:03 12 A. It sounded like it was an outpatient type thing,
14:18:06 13 where he would go to a clinic during daytime hours and get
14:18:11 14 the treatment. And he was staying in a, like a rental house
14:18:15 15 on his own otherwise.

14:18:17 16 Q. And when you went to visit him, did he in fact leave
14:18:21 17 for whatever these treatments were?

14:18:23 18 A. Yes. I got there evening time and he was staying in
14:18:28 19 a rental house. We stayed up pretty late that night. And
14:18:33 20 the next morning he went to his treatment session somewhere
14:18:38 21 in town. He left me his car for the day and told me to
14:18:42 22 drive around and keep myself busy while he was in treatment.

14:18:48 23 Q. And if we go to the next picture. Is this the car he
14:18:53 24 left you?

14:18:54 25 A. Yes.

Kestan - direct

14:18:54 1 Q. All right. While you were there with him and he was
14:18:58 2 getting the treatment, was he using drugs?

14:19:01 3 A. That first night when I got there and the next
14:19:05 4 morning before he left yes.

14:19:06 5 Q. Before he left for the treatment?

14:19:08 6 A. Yes.

14:19:08 7 Q. And then what happened, what happened after you drove
14:19:16 8 around for the day in his car while he was getting
14:19:19 9 treatment?

14:19:19 10 A. In the evening time he came back. We went for dinner
14:19:23 11 and drinks and we got tacos. And eventually he asked me if
14:19:29 12 I could find cocaine for him. We were close to Providence,
14:19:35 13 which is close to my school, and I texted someone who was
14:19:42 14 still at the school to ask them if they had a number for
14:19:44 15 someone who sold cocaine.

14:19:46 16 Q. If I could just interrupt you for a second. You
14:19:49 17 testified that you had graduated in 2015, correct?

14:19:53 18 A. Correct.

14:19:53 19 Q. So we're now at 2018, right?

14:19:55 20 A. Yes.

14:19:56 21 Q. You're only three years out of college, right?

14:19:59 22 A. Yes.

14:20:00 23 Q. In fact, you still knew people in college it sounds
14:20:02 24 like?

14:20:02 25 A. Yes.

Kestan - direct

14:20:02 1 Q. You said he asked you to help him get cocaine and you
14:20:06 2 reached out to somebody who you thought could?

14:20:09 3 A. Yes.

14:20:09 4 Q. What happened?

14:20:10 5 A. We drove the two hours to Newburyport to Providence.
14:20:14 6 At this time I had gotten a number, given it to him, and we
14:20:19 7 -- he'd been in contact, I can't remember if it was texting
14:20:23 8 the dealer from my phone or his. We drove straight to the
14:20:27 9 parking lot of CVS in a place called Wayland Square, I
14:20:31 10 think, in Providence. Did the deal and then we went to go
14:20:35 11 check into a hotel I knew of in Providence called The Dean
14:20:39 12 that night. We spent the night at The Dean, and then the
14:20:44 13 next morning I wanted to show him around my school, he had
14:20:49 14 said that his daughter was interested in an art school, so
14:20:52 15 we spent the day looking at the studios, drove out to the
14:20:56 16 museum, and walked around the campus. It was Thanksgiving
14:21:01 17 break, so nobody was there.

14:21:02 18 Q. You testified that his daughter was interested in art
14:21:05 19 school, did he have daughters that were around your age?

14:21:08 20 A. Yes, to my knowledge.

14:21:09 21 Q. If we could have the last picture. You testified
14:21:11 22 that you took him to I guess a museum at the school where
14:21:16 23 you had gone?

14:21:16 24 A. We went to a museum and we went to a place called the
14:21:21 25 Nature Lab at RISD, it's a library of sorts for natural

Kestan - direct

14:21:25 1 specimens, you can check things out for your project, like a
14:21:28 2 mini natural history museum.

14:21:30 3 Q. Is that where this picture was taken?

14:21:32 4 A. Yes.

14:21:32 5 Q. Was this the last time you saw him, on November
14:21:35 6 the 20th of 2018?

14:21:36 7 A. Yep.

14:21:36 8 Q. And if we could go to the next image. Is this a
14:21:41 9 screen shot of a text that you had on your phone?

14:21:44 10 A. Yes.

14:21:45 11 Q. And when about was this from?

14:21:47 12 A. A couple of weeks later after we spent the day at the
14:21:52 13 museum, a day or so before Thanksgiving, he dropped me off
14:21:58 14 at the Amtrak station so I could take the train back to New
14:22:01 15 York, at the time I didn't know it would be the last time I
14:22:04 16 saw him. From that point on, for the next couple of months,
14:22:08 17 I would get in contact, hoping to hear about how his
14:22:12 18 sobriety attempts were going and see how he was doing.

14:22:16 19 Q. And can you read what he wrote to you starting with
14:22:20 20 I'm sitting?

14:22:21 21 A. "I'm sitting here on a fucking island by myself.
14:22:24 22 Trying to beat the devil out of me. I'm doing it alone no
14:22:28 23 matter how many people say my being alone is my fault I'm
14:22:32 24 still fucking alone. And the realization that I've built a
14:22:35 25 life that makes it impossible for others to be with me is a

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14:22:39 1 sickening weight that sinks in with every day I don't
14:22:42 2 completely anesthetize myself. I can be sober but I'll
14:22:47 3 always be an addict. And the addict is as much me as the me
14:22:47 4 you love to hate."

14:22:55 5 MR. WISE: Nothing further, Your Honor.

14:22:56 6 THE COURT: All right. Cross-exam.

14:22:59 7 MR. LOWELL: Yes, Your Honor.

14:23:00 8 CROSS-EXAMINATION

14:23:09 9 MR. LOWELL: May I approach the witness with a
14:23:14 10 notebook?

14:23:15 11 THE COURT: You may.

14:23:20 12 BY MR. LOWELL:

14:23:27 13 Q. Good afternoon, Ms. Kestan, my name is Abbe Lowell,
14:23:31 14 I'm one of Mr. Hunter's attorneys.

14:23:33 15 A. Hi.

14:23:33 16 Q. We never met?

14:23:35 17 A. No.

14:23:35 18 Q. Never spoken?

14:23:36 19 A. No.

14:23:36 20 Q. To start off with, you said that a last time you saw
14:23:41 21 Hunter in California was the end of September, the 22nd,
14:23:46 22 23rd, in that period of time; is that right?

14:23:48 23 A. Correct.

14:23:48 24 Q. And the next time you saw him was in the middle --
14:23:52 25 the end of November?

Kestan - cross

14:23:53 1 A. Yeah.

14:23:54 2 Q. So you didn't see him between those two dates; right?

14:23:57 3 A. Nope.

14:23:58 4 Q. So you didn't see him in person, and you didn't face
14:24:02 5 time him with any pictures in that period of time?

14:24:05 6 A. No.

14:24:06 7 Q. So you don't have any idea of what he was doing from
14:24:09 8 the moment he left California to the moment you saw him
14:24:12 9 again in November?

14:24:13 10 A. No idea.

14:24:15 11 Q. In the beginning of your testimony, you were asked
14:24:20 12 whether or not you were here by a grant of immunity?

14:24:24 13 A. Yes.

14:24:25 14 Q. And you said if I tell the truth, then my immunity
14:24:33 15 sticks. But your immunity is not because that you're
14:24:36 16 supposed to worry about lying, right, it's because you told
14:24:40 17 the prosecutors about things that you did that violated laws
14:24:43 18 for which they gave you immunity, right?

14:24:46 19 MR. WISE: Your Honor, I'm going to object. If
14:24:48 20 we can go to side-bar.

14:29:54 21 (Side-bar discussion:)

14:29:54 22 MR. WISE: She does have counsel. She's had
14:29:54 23 discussions with her counsel. Counsel requested immunity.
14:29:54 24 I have no idea what her personal views on why she needed
14:29:54 25 immunity were. That's between her and her counsel and is

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14:29:54 1 privileged. He shouldn't be able to ask her that. She
14:29:54 2 doesn't know that she doesn't have to answer that. She is a
14:29:54 3 represented person who requested immunity by her counsel and
14:29:54 4 it was granted. He can't explore what they discussed.
14:29:54 5 Whether she needed it or whether he requested it for
14:29:54 6 exposure, for what, I don't know.

14:29:54 7 MR. LOWELL: They've given them a -- them being
14:29:54 8 the jury, she has immunity because if she tells the truth
14:29:54 9 that's something to do with the immunity. Her immunity is
14:29:54 10 because she told them about things which either her or her
14:29:54 11 lawyer, I'm not invading that, but she understood that she
14:29:54 12 was going to tell the truth about things that she did that
14:29:54 13 could violate the law. I mean, I can't imagine you're
14:29:54 14 allowed to have someone with immunity and say I'm not
14:29:54 15 telling you what the immunity is.

14:29:54 16 MR. WISE: If you have a lawyer and you're
14:29:54 17 conferring with your lawyer about it, yeah, that's exactly
14:29:55 18 right.

14:29:55 19 THE COURT: So can he ask -- you have a grant of
14:29:55 20 immunity because either you or your attorney thought you
14:29:55 21 needed it or something like that.

14:29:55 22 MR. LOWELL: Whether she should have it, I'm not
14:29:55 23 saying needed it.

14:29:55 24 MR. WISE: She can't testify what her attorney
14:29:55 25 thought, all she can say is I'm going to ask the prosecutors

Kestan - cross

14:29:55 1 for immunity. I have no idea what they discussed. I can't
14:29:55 2 know, that's privilege. The same goes for him.

14:29:55 3 MR. LOWELL: But they granted her immunity for
14:29:55 4 her testimony, so whatever the reason was, she has to know
14:29:55 5 whatever she says can't be used against it.

14:29:55 6 MR. WISE: She's already said that.

14:29:55 7 THE COURT: So can you ask -- so, I mean, you
14:29:55 8 can't ask her what did you do that broke the law.

14:29:55 9 MR. LOWELL: I understand that.

14:29:55 10 THE COURT: And why did you think you needed
14:29:55 11 immunity. What you can say is you understand to the extent
14:29:55 12 that you disclose anything that you broke the law, you're
14:29:55 13 not going to be prosecutor.

14:29:55 14 MR. LOWELL: I can say that.

14:29:55 15 MR. WISE: Just that your statements can't be
14:29:55 16 used against it, it's not transactional, it's just
14:29:55 17 testimony.

14:29:55 18 THE COURT: Can you say it that way?

14:29:55 19 MR. LOWELL: Yes, I can. Say it one more time
14:29:55 20 for me so I get it right. Maybe, you can tell me exactly
14:29:55 21 how the Judge said it.

14:29:55 22 (Reporter read back from the record.)

14:29:55 23 THE COURT: But we have to say any statements so
14:29:55 24 you can say you have immunity because you understand of any
14:29:55 25 statements that you made.

Kestan - cross

14:29:55 1 MR. WISE: Can't be used against you.

14:29:55 2 THE COURT: Can't be.

14:29:55 3 (End of side-bar.)

14:29:55 4 BY MR. LOWELL:

14:29:55 5 Q. Ms. Kestan, before we just had that bench conference,
14:29:55 6 I asked you a question about immunity. As you understand
14:29:55 7 it, the immunity that you talked or spoken with, met with
14:29:55 8 the prosecutors, and nothing you said to them about what you
14:29:55 9 did can be used against you?

14:29:55 10 A. That's my understanding.

14:29:55 11 Q. Speaking of that, over the time of the last few
14:29:55 12 years, have you met with prosecutors?

14:29:55 13 A. I met with them starting a couple of weeks ago over
14:29:55 14 zoom and I gave a grand jury testimony.

14:29:55 15 Q. Prior to the grand jury testimony, you also met with
14:29:55 16 investigators of the department of treasury, isn't that
14:29:55 17 right?

14:29:55 18 A. I don't know if they're from the department of
14:29:55 19 treasury.

14:29:55 20 Q. Got it?

14:29:55 21 A. Two people showed up at my apartment and subpoenaed
14:29:55 22 me for a grand jury.

14:29:55 23 Q. Okay. Didn't you have an interview with
14:29:55 24 investigators in January of 2022?

14:29:55 25 A. That must have been the first, you know, session of,

Kestan - cross

14:29:56 1 you know, going through my testimony before the grand jury,
14:29:56 2 yeah.

14:29:56 3 Q. And then you also had a meeting with investigators in
14:29:56 4 July of 2022?

14:29:56 5 A. Yes, they said they had a few more questions for me,
14:29:56 6 it was over zoom.

14:29:56 7 Q. But in between those two what you said to the
14:29:57 8 investigators in January and then the meeting that you had
14:29:58 9 in July, it's in between that you went to the grand jury?

14:30:02 10 A. Correct.

14:30:03 11 Q. So after you testified, that's, and the grand jury,
14:30:06 12 that's under oath, right?

14:30:07 13 A. Yes.

14:30:07 14 Q. After you testified in the grand jury, which I
14:30:10 15 believe is in February, right?

14:30:12 16 A. Uh-huh.

14:30:13 17 Q. Then a couple of months later they wanted to talk to
14:30:16 18 you again?

14:30:16 19 A. Yeah, they said they had a couple more questions.

14:30:20 20 Q. Okay. So first time in January, right?

14:30:22 21 A. Yes.

14:30:23 22 Q. And then you went to the grand jury; right?

14:30:26 23 A. Yes.

14:30:26 24 Q. And right before you went into the grand jury, where
14:30:29 25 was that grand jury, here in Delaware?

Kestan - cross

14:30:31 1 A. I think it was in this building.

14:30:33 2 Q. Did you meet with the prosecutors right before going
14:30:37 3 in?

14:30:37 4 A. They put me in a room where I waited for a couple of
14:30:41 5 hours while another witness was testifying, we didn't talk
14:30:46 6 about anything. They brought me in the room.

14:30:50 7 Q. And so you waited, you went to the grand jury after
14:30:53 8 you met with them, and then you said a few months later you
14:30:57 9 met again because they had a few more questions, right?

14:30:59 10 A. Yeah, they reached out to me.

14:31:01 11 Q. And then you said a few weeks ago, let's take that.
14:31:04 12 How many times in the last, I don't know, two months have
14:31:08 13 you met with or spoken with by phone or any other device any
14:31:14 14 of the prosecutors or investigators?

14:31:16 15 A. Three.

14:31:16 16 Q. Three?

14:31:17 17 A. Yes.

14:31:18 18 Q. When was the last one?

14:31:20 19 A. On Monday night.

14:31:21 20 Q. Today being Wednesday?

14:31:23 21 A. Correct.

14:31:24 22 Q. How long did you spend with them on Monday night?

14:31:27 23 A. Two hours, maybe 2 hours 15 minutes.

14:31:29 24 Q. And then the time before that was how far back after
14:31:33 25 that Monday night?

Kestan - cross

14:31:34 1 A. It was last Thursday.

14:31:37 2 Q. And how many hours did you spend with them that day?

14:31:40 3 A. An hour.

14:31:41 4 Q. And you said there was a third, when was that?

14:31:44 5 A. The first one was the Thursday or Friday before that,
14:31:49 6 and that one was about three hours.

14:31:53 7 Q. So three hours plus another hour plus another two
14:31:57 8 hours, that's about six hours in the last few weeks?

14:32:03 9 A. Yes.

14:32:03 10 Q. You talked about the time you met Hunter at the end
14:32:07 11 of 2017?

14:32:11 12 A. Yes.

14:32:11 13 Q. You knew he was already divorced for some time before
14:32:14 14 you and he started dating?

14:32:16 15 A. I only learned that that first week at the Soho
14:32:20 16 Grand, yes.

14:32:20 17 Q. By the time you and he became dating?

14:32:23 18 A. Yeah.

14:32:24 19 Q. You knew he was a divorced person?

14:32:26 20 A. Yes.

14:32:27 21 Q. You mentioned in your testimony various things about
14:32:33 22 his use of funds and cash, debit cards, et cetera; yes?

14:32:40 23 A. Yes.

14:32:40 24 Q. I think you said he used cash a lot.

14:32:43 25 A. Yes.

Kestan - cross

14:32:43 1 Q. Not just for drugs?

14:32:45 2 A. No.

14:32:45 3 Q. In fact, he would give you cash?

14:32:48 4 A. Yes.

14:32:48 5 Q. Sometimes a good amount of cash?

14:32:51 6 A. Sometimes.

14:32:52 7 Q. Hundreds?

14:32:54 8 A. Yeah, if -- if, you know, he said that he wanted to
14:32:59 9 buy me something that was worth \$500 and I paid for it on
14:33:03 10 my, you know, my debit card or credit card, then he would
14:33:09 11 send me 7 or 800 back.

14:33:11 12 Q. And that happened frequently?

14:33:13 13 A. Yes.

14:33:13 14 Q. You mentioned that you would buy something and he
14:33:17 15 would pay for it and then some?

14:33:18 16 A. Yeah.

14:33:19 17 Q. Sometimes he would buy things for you directly?

14:33:21 18 A. Yeah.

14:33:21 19 Q. And sometimes he would authorize you, you said you
14:33:26 20 had a code or you had his credit card, he would authorize
14:33:29 21 you to spend money on your accounts yourself?

14:33:32 22 A. Yes.

14:33:32 23 Q. And that was quite a lot?

14:33:33 24 A. Yes, he said sometimes to me that my money is your
14:33:37 25 money.

Kestan - cross

14:33:37 1 Q. And you spent it?

14:33:39 2 A. Sometimes.

14:33:40 3 Q. You mentioned a house in Malibu?

14:33:42 4 A. Yes.

14:33:43 5 Q. Do you know how that was paid for?

14:33:46 6 A. I don't. He had already rented it.

14:33:48 7 Q. But you mentioned Airbnb's that you stayed in?

14:33:51 8 A. Yes.

14:33:52 9 Q. Including times that he wasn't with you?

14:33:55 10 A. Yes.

14:33:56 11 Q. And he paid for those as well?

14:33:59 12 A. Yeah.

14:34:00 13 Q. Even when he wasn't there?

14:34:02 14 A. Yes. I kept a lot of his things there as well.

14:34:06 15 Q. In terms of your time with him, you talked about when

14:34:09 16 he was using crack in 2017 and into the first half of 2018,

14:34:16 17 you said he would use it and then sometimes go out when you

14:34:19 18 would go to a restaurant. Yes?

14:34:21 19 A. Uh-huh.

14:34:21 20 Q. And you said that he would engage with people like

14:34:24 21 your friends that he would invite or yours?

14:34:27 22 A. Yes.

14:34:27 23 Q. You said that he would sometimes of course deal with

14:34:30 24 people that you understood were people he was getting drugs

14:34:33 25 from?

Kestan - cross

14:34:33 1 A. Yes. But also friends of his, too.

14:34:36 2 Q. Okay. In that period of time where you say you were
14:34:39 3 with him in New York or in other places and he was using,
14:34:43 4 did you ever see him with his daughters?

14:34:46 5 A. No.

14:34:46 6 Q. Did you ever see him with his mother or his father?

14:34:49 7 A. No.

14:34:49 8 Q. Did you ever see him using when he was in their
14:34:53 9 presence, obviously not?

14:34:55 10 A. No.

14:34:55 11 Q. You identified in the morning, and in the afternoon
14:35:00 12 after the lunch break a number of photographs that you took?

14:35:03 13 A. Yes.

14:35:04 14 Q. And those are from your phone; right?

14:35:07 15 A. Yes.

14:35:08 16 Q. As I was looking through them again before I got up
14:35:11 17 to the podium, I was looking at them, and in virtually every
14:35:15 18 one in which you identified, whatever you said was a pipe or
14:35:21 19 ashes, there is also either -- there is a liquor bottle?

14:35:24 20 A. Yes.

14:35:24 21 Q. Sometimes more than one?

14:35:26 22 A. Yes.

14:35:26 23 Q. Sometimes four in the same picture?

14:35:28 24 A. Definitely.

14:35:30 25 Q. That was something he did?

Kestan - cross

14:35:31 1 A. Yes.

14:35:31 2 Q. And in the exhibit that you went over in terms of
14:35:37 3 the, I think it's government 38, there are some pictures in
14:35:42 4 September when you were back out in Los Angeles, right?

14:35:46 5 A. Which photos are you referring to?

14:35:48 6 Q. If you look in -- you still have the government's
14:35:52 7 book in front of you. The ones that are in September of
14:35:57 8 '18, do you see those?

14:35:59 9 A. Yes.

14:36:00 10 Q. Prior to that when you're taking pictures, you can
14:36:03 11 see the pipe, the ashes, you can see the bowl, you can see
14:36:07 12 that, right?

14:36:07 13 A. Yes.

14:36:08 14 Q. And those are pictures you took?

14:36:09 15 A. Yes.

14:36:09 16 Q. Look at the pictures you took in September. You
14:36:13 17 don't see that there then, do you?

14:36:14 18 A. No. No.

14:36:32 19 Q. In the period of time in September when you did come
14:36:35 20 to visit him again, you said it was after August where you
14:36:39 21 had not seen him, you had left and come back, is that right?

14:36:42 22 A. Correct.

14:36:43 23 Q. And I think you said that when you were back in New
14:36:47 24 York, you came to learn in your exchanges that he had or was
14:36:53 25 intending to go into some other form of recovery,

Kestan - cross

14:36:57 1 rehabilitation?

14:36:58 2 A. That was always an -- part of the conversation.

14:37:02 3 Q. But how about that one? I think you said it --

14:37:05 4 A. Yeah, yeah.

14:37:06 5 Q. It was in New York?

14:37:07 6 A. Part of the reason why I would leave was because I
14:37:11 7 couldn't handle, you know, him in person not trying and I
14:37:15 8 thought that if I left, he finally would.

14:37:18 9 Q. So one of those times you're in New York, he's in Los
14:37:22 10 Angeles, that's in the month of August of 2018?

14:37:24 11 A. Uh-huh.

14:37:25 12 Q. Yes?

14:37:25 13 A. Yes.

14:37:26 14 Q. And in that period of time, did you hear him mention
14:37:30 15 the word The View? Did he hear that name?

14:37:36 16 A. The View?

14:37:37 17 Q. Yes.

14:37:38 18 A. No.

14:37:39 19 Q. You did go back out and then you saw him -- when you
14:37:43 20 were out there, he was at some point living in a house in
14:37:47 21 Malibu?

14:37:48 22 A. Yes. He had driven from the house in Malibu to
14:37:52 23 downtown the night I arrived, the day after he went back,
14:37:56 24 and a day or so after that I went to go meet him there.

14:38:00 25 Q. And when you did that in that period of time, are you

Kestan - cross

14:38:03 1 saying that you did not know or did not see any people that
14:38:08 2 were coming visiting him or living with him after he
14:38:14 3 attended, if you understood he did, some rehabilitation
14:38:17 4 program, you never saw them?

14:38:18 5 A. There were no, you know, rehab people around us then.

14:38:21 6 Q. In the two days?

14:38:23 7 A. In the two days. The last day he left the house and
14:38:27 8 I thought that he was avoiding me, and hadn't responded to
14:38:32 9 my calls for hours and he had called me saying calm down,
14:38:37 10 I'm meeting with rehab people. At the time, I didn't
14:38:42 11 believe it. But it could be true.

14:38:44 12 Q. But you didn't see them at the time?

14:38:46 13 A. I didn't, no.

14:38:47 14 Q. And when that exchange happened, you were with him
14:38:50 15 for two days in that period and then you were gone?

14:38:53 16 A. Yes.

14:38:53 17 Q. And never saw him again until November?

14:38:56 18 A. Correct.

14:38:57 19 Q. You said that you saw him in that period of time in
14:39:01 20 the Malibu house using drugs?

14:39:05 21 A. Yes.

14:39:06 22 Q. Are you sure about that?

14:39:07 23 A. I remember him using drugs in the bathroom and the
14:39:12 24 bedroom and the outdoor area of that Malibu house, yes.

14:39:15 25 Q. In September?

Kestan - cross

14:39:16 1 A. In September.

14:39:17 2 Q. We'll come back to that.

14:39:18 3 In that period of time that you said that you
14:39:21 4 met with the process -- investigators in January and then
14:39:24 5 you met with them in July and went to the grand jury, do you
14:39:28 6 remember being asked any questions at all in the grand jury
14:39:31 7 about his drug use in September?

14:39:33 8 A. I don't remember.

14:39:34 9 Q. Do you remember ever describing Hunter in that period
14:39:38 10 of time as just being scattered?

14:39:40 11 A. Yes.

14:39:43 12 Q. Scattered doesn't necessarily or doesn't say I know
14:39:47 13 he's scattered because he's using drugs; right?

14:39:50 14 A. No.

14:39:50 15 Q. But that's the phrase you used, right?

14:39:53 16 A. Yeah, I used that because his demeanor towards me was
14:39:57 17 unfriendly, and seemed stressed out over either family or
14:40:02 18 business things.

14:40:03 19 Q. Do you know how people act when they're getting off
14:40:06 20 of an alcohol addiction or drug addiction?

14:40:10 21 A. I would assume that you are sick with flu like
14:40:14 22 symptoms.

14:40:14 23 Q. How about your demeanor, can there be somebody who
14:40:18 24 gets angry, somebody who is testy, somebody who is not the
14:40:22 25 same as they were when they were using?

Kestan - cross

14:40:24 1 A. Yes.

14:40:25 2 Q. The next time you saw Hunter was in November, right?

14:40:27 3 A. Correct.

14:40:28 4 Q. And he asked you to come up because he was in some
14:40:30 5 sort of treatment and he wanted to see you?

14:40:32 6 A. Yeah, he said he was lonely.

14:40:35 7 Q. And you knew and he told you as you testified that he
14:40:38 8 was up there having treatment?

14:40:39 9 A. Yes.

14:40:40 10 Q. You said that earlier before the lunch hour that you
14:40:46 11 and he had developed a relationship and that you had
14:40:49 12 feelings for him, you used that word?

14:40:51 13 A. Yeah.

14:40:51 14 Q. When you were in his presence, whether it was in
14:40:54 15 California, or New York, you held him get drugs?

14:40:59 16 A. I did.

14:41:01 17 Q. So now he's in Massachusetts in November and you go
14:41:06 18 up and visit him, and he asks you, you're in Massachusetts,
14:41:13 19 in Newburyport or Plum Island?

14:41:15 20 A. Yep.

14:41:16 21 Q. And he asked you something about can you help him get
14:41:19 22 drugs; right?

14:41:20 23 A. Yes.

14:41:20 24 Q. And you said you could?

14:41:21 25 A. Yeah.

Kestan - cross

14:41:22 1 Q. And you drove him to Providence?

14:41:25 2 A. He drove.

14:41:27 3 Q. I'm sorry, you drove together to Providence?

14:41:29 4 A. Yeah.

14:41:29 5 Q. Did he know anybody in Providence?

14:41:31 6 A. No.

14:41:32 7 Q. You did?

14:41:32 8 A. I did.

14:41:32 9 Q. You're the one who made the connection?

14:41:34 10 A. I did.

14:41:35 11 Q. You're the one who introduced him to somebody?

14:41:38 12 A. I guess so, yeah.

14:41:39 13 Q. And that's where he then picked up whatever drugs you

14:41:43 14 said were in November, is that right?

14:41:46 15 A. Yes. Although he had drugs when I first arrived in

14:41:51 16 Newburyport, then he ran out.

14:41:52 17 Q. But that's in November?

14:41:54 18 A. Yes.

14:41:54 19 Q. And then when he ran out?

14:41:55 20 A. Then he asked me about Providence.

14:41:57 21 Q. And then you did what you did to get him more drugs?

14:42:00 22 A. Yep.

14:42:02 23 Q. And so from the time of September to the time of the

14:42:06 24 end of November, did you know that he went back from Los

14:42:11 25 Angeles to Delaware on October the 5th?

Kestan - cross

14:42:13 1 A. I have no idea about that.

14:42:14 2 Q. Do you have any idea what his condition was then?

14:42:17 3 A. Nope.

14:42:17 4 Q. Any idea whether he was reviewing or calling himself

14:42:22 5 in any particular way at that period of time?

14:42:25 6 A. Nope.

14:42:25 7 Q. Any idea what condition or what he was doing on

14:42:29 8 October the 12th of 2018?

14:42:31 9 A. No.

14:42:32 10 Q. Any idea what was happening to him on October 23rd of

14:42:35 11 that year?

14:42:36 12 A. No.

14:42:36 13 Q. You said something earlier about, I think you

14:42:42 14 mentioned Alcoholics Anonymous?

14:42:44 15 A. Yes.

14:42:45 16 Q. Are you familiar with that vaguely?

14:42:48 17 A. Yes.

14:42:48 18 Q. Do you know in Alcoholics Anonymous, the first thing

14:42:51 19 you say is hi, I'm Hunter Biden, I'm an addict?

14:42:58 20 A. Yep.

14:42:59 21 Q. That last text you read?

14:43:00 22 A. Uh-huh.

14:43:01 23 Q. The one that he's looking backwards and saying I'm an

14:43:04 24 addict?

14:43:05 25 A. Yes, ma'am.

Kestan - redirect

14:43:05 1 Q. That's what people who are addicts always say about
14:43:09 2 themselves isn't it?

14:43:09 3 A. Yep, and I commended him for his honesty and kind of
14:43:15 4 admitting that about himself throughout the whole
14:43:18 5 relationship.

14:43:19 6 MR. LOWELL: Thank you, Ms. Kestan.

14:43:23 7 THE COURT: Thank you. Redirect.

14:43:25 8 MR. WISE: Thank you.

14:43:28 9 REDIRECT EXAMINATION

14:43:28 10 BY MR. WISE:

14:43:28 11 Q. I just want to follow-up on that last comment. You
14:43:31 12 testified that throughout your relationship with him, he
14:43:33 13 referred to himself as an addict; right?

14:43:35 14 A. Yes.

14:43:36 15 Q. I think you said you commended him for his honestly
14:43:40 16 about that; right?

14:43:41 17 A. Yes.

14:43:41 18 Q. Are the behaviors you saw consistent with your
14:43:44 19 understanding of what an addict would look like?

14:43:46 20 A. Yes.

14:43:46 21 Q. Mr. Lowell asked you about whether you helped him get
14:43:50 22 drugs?

14:43:50 23 A. Yes.

14:43:50 24 Q. And you said you did?

14:43:51 25 A. I did.

14:43:52 1 Q. How old were you when you were in this relationship
14:43:55 2 with him?

14:43:56 3 A. My birthday, the day that he didn't turn up and I
14:44:01 4 decided to go back to New York, I turned twenty-five. I was
14:44:06 5 twenty-four.

14:44:06 6 Q. You were twenty-four. How old was he?

14:44:08 7 A. Twice my age, so forty-eight.

14:44:11 8 MR. WISE: Nothing further.

14:44:12 9 THE COURT: All right. Thank you. All right.
14:44:15 10 Thank you, ma'am, you may step down.

14:44:17 11 What's next?

14:44:21 12 MR. HINES: Our next witness is Gordon
14:44:31 13 Cleveland.

14:44:59 14 May I approach for a minute, Your Honor?

14:45:01 15 THE COURT: Sure.

14:46:32 16 (Side-bar discussion:)

14:46:32 17 MR. HINES: I don't know that this needs to be
14:46:32 18 on the record, but I want to let the Court know that
14:46:32 19 Mr. Cleveland is in the bathroom. So he was waiting in the
14:46:32 20 room.

14:46:32 21 THE COURT: Do you want to take our afternoon
14:46:32 22 break?

14:46:32 23 MR. LOWELL: Could we do that?

14:46:32 24 (End of side-bar.)

14:46:32 25 THE COURT: We're going to take our afternoon

Cleveland - direct

14:46:32 1 break now, just fifteen minutes, and then come back and
14:46:32 2 finish up for the end of the day.

14:46:32 3 COURTROOM DEPUTY: All rise.

14:46:32 4 (Jury exiting the courtroom at 2:45 p.m.)

14:46:32 5 THE COURT: All right. Fifteen minutes.

14:46:32 6 (A brief recess was taken.)

15:08:43 7 COURTROOM DEPUTY: All rise.

15:09:38 8 (Jury entering the courtroom at 3:09 p.m.)

15:09:50 9 THE COURT: All right. Welcome back, everyone.

15:10:10 10 Everyone else, please be seated. Mr. Cleveland, you can
15:10:15 11 remained standing for just one more minute.

15:10:17 12 COURTROOM DEPUTY: Please raise your right hand.

15:10:20 13 Please state and spell your full name for the record.

15:10:23 14 Gordon T. Cleveland, G-O-R-D-O-N, middle name is Thomas,

15:10:28 15 T-H-O-M-A-S, last name is Cleveland, C-L-E-V-E-L-A-N-D.

15:10:34 16 GORDON CLEVELAND, having been fully sworn was
15:10:39 17 examined and testified as follows:

15:10:42 18 DIRECT EXAMINATION

15:10:43 19 BY MR. HINES:

15:10:44 20 Q. Good afternoon, Mr. Cleveland.

15:10:45 21 A. Good afternoon.

15:10:45 22 Q. Sir, are you a residence of the State of Delaware?

15:10:48 23 A. Yes.

15:10:49 24 Q. Without giving your exact address, can you describe
15:10:52 25 the general area you live in?

Cleveland - direct

15:10:54 1 A. Right now I reside closer to the PA line, somewhere
15:11:01 2 in the Claymont area.

15:11:05 3 Q. How long have you been in this region, living in the
15:11:08 4 region?

15:11:08 5 A. My whole life.

15:11:09 6 Q. Delaware up bringing?

15:11:10 7 A. Yes.

15:11:11 8 Q. What do you do for a living?

15:11:12 9 A. I work for the city of Wilmington, I drive a trash
15:11:17 10 truck.

15:11:18 11 Q. How long have you been driving a trash truck for the
15:11:21 12 city of Wilmington?

15:11:21 13 A. The last 11 years.

15:11:23 14 Q. Do you currently have any secondary employment?

15:11:26 15 A. No.

15:11:26 16 Q. At periods of time over the last 11 years, have you
15:11:30 17 had secondary employment?

15:11:31 18 A. Yes.

15:11:31 19 Q. Where are have you been employed most recently?

15:11:34 20 A. StarQuest Shooters & Survival Supply.

15:11:37 21 Q. I'll ask you some questions about StarQuest in a
15:11:40 22 moment, but currently why don't you have secondary
15:11:43 23 employment?

15:11:43 24 A. More so family got me out of the business and my
15:11:47 25 health.

Cleveland - direct

15:11:47 1 Q. Work --

15:11:48 2 A. Working two jobs and running myself a little bit
15:11:51 3 tired and came down with diabetes.

15:11:54 4 Q. When did you work for StarQuest, what years?

15:11:57 5 A. I want to say late 2015, I believe I got there, going
15:12:03 6 all the way until 21.

15:12:06 7 Q. What is StarQuest?

15:12:07 8 A. StarQuest is a gun shop, but they also sell survival
15:12:12 9 supplies, so like emergency blankets, food, different other
15:12:16 10 things, other than just firearms and ammunition.

15:12:18 11 Q. And why did you end up deciding to work there?

15:12:22 12 A. I was working at another place before I got there,
15:12:26 13 and stopped in, purchased something, and in my view it was
15:12:33 14 in line with where I was working at the time, because all I
15:12:36 15 really want to do was be a sales man, and I got offered to
15:12:40 16 work there at StarQuest.

15:12:41 17 Q. Before you is a binder with some exhibits, the first
15:12:44 18 page of that binder is Exhibit 41. Do you see an aerial
15:12:50 19 photo in front of you depicting StarQuest?

15:12:53 20 A. Yes.

15:12:53 21 MR. HINES: Move for the admission of 41.

15:13:06 22 MR. LOWELL: No objection.

15:13:07 23 THE COURT: All right. Thank you. It's
15:13:08 24 admitted.

15:13:09 25 (Exhibit No. 41 was admitted into evidence.)

Cleveland - direct

15:13:09 1 BY MR. HINES:

15:13:12 2 Q. Now, is that StarQuest Shooters and Survival Supply
15:13:16 3 in sort of the top right quadrant?

15:13:18 4 A. Yes.

15:13:19 5 Q. What street address or intersection is StarQuest
15:13:23 6 located at?

15:13:24 7 A. I believe it's 3701, so right across from the Five
15:13:31 8 Below that's in the shopping center.

15:13:32 9 Q. And it's off Concord Pike and Prospect Avenue?

15:13:37 10 A. Yes, right off of Concord Pike.

15:13:39 11 Q. Can you describe for the jury sort of the general
15:13:41 12 layout of the store?

15:13:42 13 A. The general layout is you got -- when you first come
15:13:45 14 in, you got some racks to your right, you got some racks to
15:13:48 15 your left, you have an island where it's some firearms that
15:13:52 16 are in cases there, knives in some of the other cases, and
15:13:55 17 it wraps around. And then you have your main cases where
15:13:59 18 all around the walls in the store, various firearms in those
15:14:03 19 cases.

15:14:03 20 Q. And you said you were a salesman, what kind of duties
15:14:08 21 and responsibilities did you have in the store as a
15:14:11 22 salesman?

15:14:11 23 A. Just selling, that's it.

15:14:13 24 Q. Selling, just limited to guns, or were you
15:14:15 25 responsible for selling --

Cleveland - direct

15:14:16 1 A. Everything, everything. I mean, I mainly stuck with
15:14:21 2 guns and ammunition, but it was other things to sell, like I
15:14:25 3 said, emergency food and heated blankets, not the heated
15:14:30 4 blankets, the emergency blankets and different things like
15:14:33 5 that.

15:14:34 6 Q. I would like to direct your attention to
15:14:36 7 October 12th, 2018. Were you working on that day?

15:14:39 8 A. Yes.

15:14:39 9 Q. Did you sell any firearms that day?

15:14:42 10 A. Yes.

15:14:42 11 Q. Who did you sell a firearm to?

15:14:44 12 A. I sold a firearm to, do you want me to say a name or
15:14:50 13 defendant?

15:14:51 14 Q. You can say however you understand it?

15:14:53 15 A. Hunter Biden, I sold a firearm to Hunter Biden.

15:14:56 16 Q. Now, we're going to go step by step through that day
15:15:00 17 on October 12, 2018, and I would like you to start out by
15:15:04 18 describing what your first observation was of Hunter Biden
15:15:06 19 that day?

15:15:07 20 A. Usually what I do with my downtime, we got -- I left
15:15:11 21 that out, we got a statute of the Duke by one of the
15:15:15 22 windows, usually I'll stand there, just standing there just
15:15:18 23 waiting for people to come in. I observed him pull up in a
15:15:23 24 black Cadillac CTS.

15:15:25 25 Q. How do you remember?

Cleveland - direct

15:15:27 1 A. I believe a CTS-V.

15:15:29 2 Q. How do you know -- do you remember the description
15:15:31 3 of the car?

15:15:31 4 A. I like guns and I like cars. Two things I'm really
15:15:35 5 into.

15:15:37 6 Q. So you saw him pull in a nice black Cadillac?

15:15:41 7 A. Yes.

15:15:41 8 Q. And then what happened next?

15:15:43 9 A. He came in. I greeted him.

15:15:46 10 Q. Now at the time you greeted him, did you know who he
15:15:49 11 was at that moment?

15:15:50 12 A. No.

15:15:50 13 Q. Did you later come to learn he was Hunter Biden?

15:15:53 14 A. Yes.

15:15:53 15 Q. We'll get to that in a moment.

15:15:55 16 So you greeted him and what was your initial
15:15:59 17 conversation with Mr. Biden?

15:16:00 18 A. What brought you in today? He said looking for a
15:16:03 19 firearm.

15:16:04 20 Q. So let me just interrupt you there. He told you at
15:16:07 21 the outset that he was looking for a firearm?

15:16:09 22 A. Yes.

15:16:10 23 Q. All right. What did you say in response to that when
15:16:12 24 he said he was looking for a firearm?

15:16:13 25 A. Do you have anything specific in mind, would it be

Cleveland - direct

15:16:17 1 something semiautomatic or revolver, he implied a revolver.

15:16:22 2 Q. He said revolver, he wanted a revolver?

15:16:25 3 A. Yes.

15:16:26 4 Q. So at that point when Mr. Biden told you he wanted a
15:16:29 5 firearm and he specifically told you he wanted a revolver,
15:16:32 6 what did you do next?

15:16:33 7 A. I took him to the case -- well I started off with one
15:16:36 8 of the cases that had a little bit more of the revolvers in
15:16:39 9 there. Am I allowed to say the manufacturers name.

15:16:44 10 Q. Yes?

15:16:44 11 A. It was a case that had some Ruger's in there. He
15:16:47 12 didn't like -- I guess he didn't like the Ruger's, so I made
15:16:52 13 my way over to where the Colt case was, and he chose a Colt
15:16:58 14 Cobra.

15:16:58 15 Q. In advance of your testimony today, did you have an
15:17:02 16 opportunity to exam an exhibit in this case that is a
15:17:05 17 revolver?

15:17:06 18 A. Yes.

15:17:07 19 Q. All right. When you took him to the case that had
15:17:10 20 the Colt Cobra in there, what was the next discussion you
15:17:15 21 had with Mr. Biden?

15:17:16 22 A. Just talking about how you know, the Colt -- well,
15:17:19 23 the Colt line has very good firearms, they're dependable,
15:17:25 24 some of the other things on the market might not be so
15:17:29 25 great.

Cleveland - direct

15:17:29 1 Q. Why are Colt Cobra's known to be dependable?

15:17:33 2 A. Dependable, just, with firearms you got some people,
15:17:37 3 I guess their main thing is get them a little bit more
15:17:43 4 affordable, so the quality of the firearm is not as great.
15:17:47 5 Like me personally, I purchased a Ruger and fired it at the
15:17:51 6 range, the front sight came off. Little different things
15:17:54 7 like that. And with a Colt, you know, they just have more
15:17:57 8 of a following because they do custom engraving, which they
15:18:02 9 just brought back recently, they do a lot of high end things
15:18:06 10 for their firearms.

15:18:07 11 Q. What happened next as you were showing Mr. Biden the
15:18:10 12 inventory of revolvers?

15:18:13 13 A. He chose the Colt Cobra.

15:18:15 14 Q. What model did he pick?

15:18:17 15 A. He chose a Talo Edition Colt Cobra with custom wood
15:18:24 16 grips, with their insignia in the grips.

15:18:27 17 Q. Does it have distinctive features?

15:18:29 18 A. Yes.

15:18:29 19 Q. Did you examine this revolver that Mr. Biden had
15:18:33 20 picked out in advance of your testimony today?

15:18:35 21 A. Yes.

15:18:35 22 Q. Is it this revolver that I have here in my arm?

15:18:38 23 A. Yes, sir.

15:18:39 24 MR. HINES: Your Honor, I'll represent to the
15:18:41 25 Court that United States Marshals Service has made this gun

Cleveland - direct

15:18:44 1 safe with a red tag, and I would like for the record,
15:18:47 2 permission to approach the witness and display it so he can
15:18:52 3 identify the serial number on this revolver.

15:18:58 4 THE COURT: Okay. That's fine.

15:19:04 5 BY MR. HINES:

15:19:04 6 Q. Sir, are you able to see the serial number on the
15:19:07 7 revolver?

15:19:07 8 A. Yes.

15:19:08 9 Q. What is the serial number on this revolver?

15:19:10 10 A. RA551363.

15:19:14 11 Q. And is this the revolver that Mr. Biden ultimately
15:19:18 12 wanted to purchase that day?

15:19:20 13 A. Yes, sir.

15:19:21 14 MR. HINES: Your Honor, I request permission to
15:19:22 15 move government Exhibit 1 into evidence.

15:19:24 16 MR. LOWELL: No objection.

15:19:25 17 THE COURT: Thank you. It's admitted.

15:19:26 18 (Exhibit No. 1 was admitted into evidence.)

15:19:27 19 MR. HINES: Can I also request permission to
15:19:29 20 move into evidence the photo of that revolver as 1A.

15:19:32 21 MR. LOWELL: Also no objection.

15:19:34 22 THE COURT: Thank you. That's also admitted.

15:19:37 23 (Exhibit No. 1A was admitted into evidence.)

15:19:38 24 BY MR. HINES:

15:19:48 25 Q. Now after Mr. Biden selected this Colt Cobra .38

Cleveland - direct

15:19:55 1 Special in the store, what was the next discussion that you
15:19:57 2 had with him?

15:19:58 3 A. That he was going to have to fill out a 4473 to
15:20:02 4 purchase the firearm.

15:20:03 5 Q. What is a 4473?

15:20:05 6 A. 4473 is a federal form where you will fill in your
15:20:11 7 information and answer a series of questions to obtain the
15:20:15 8 firearm once the background check is ran.

15:20:17 9 Q. Is this a form that is used for every gun purchase in
15:20:20 10 the store?

15:20:21 11 A. Every gun purchase and everybody that comes to buy a
15:20:25 12 gun has to do a 4473.

15:20:27 13 Q. Is it an important form for you?

15:20:29 14 A. Yes, it is.

15:20:29 15 Q. Why is it important for you as a salesman?

15:20:32 16 A. It's important because after you fill in your
15:20:35 17 personal information, there is a series of questions that
15:20:37 18 can ultimately void the sale before it even gets all the way
15:20:42 19 started with running the background, depending on what the
15:20:45 20 answers are on that form.

15:20:47 21 Q. So you told Mr. Biden that he was going to have to
15:20:49 22 fill out the blank Form 4473?

15:20:52 23 A. Yes.

15:20:52 24 Q. What happened after you told him that, what was the
15:20:55 25 next thing?

Cleveland - direct

15:20:55 1 A. I got the 4473 for him, and I received his passport
15:21:01 2 from him.

15:21:01 3 Q. You gave him the blank form and received his
15:21:06 4 passport?

15:21:06 5 A. Yes.

15:21:06 6 Q. What did you do once you received the passport?

15:21:09 7 A. Once I received the passport, I proceeded to tell
15:21:12 8 him, you need to fill in your personal information and
15:21:15 9 answer all the questions and take your time answering them.

15:21:19 10 Q. Now, at that point on the floor is you and Mr. Biden?

15:21:23 11 A. Yes.

15:21:24 12 Q. Is there anyone else on the floor in the store at
15:21:28 13 that time?

15:21:28 14 A. A couple of other salesmen, but they were doing their
15:21:30 15 own thing, talking among each other. Sorry.

15:21:33 16 Q. I'm sorry. Did you leave the blank form with
15:21:36 17 Mr. Biden?

15:21:37 18 A. I had -- yes, left it with him and I went to go make
15:21:43 19 a copy of his passport.

15:21:44 20 Q. You walked where to make the copy?

15:21:46 21 A. So as I said, where the cases are in this store, you
15:21:50 22 have a door that leads into the back so that you go right to
15:21:53 23 the copier and make a copy.

15:21:54 24 Q. How long does it take you to make a copy of a
15:21:57 25 document?

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15:21:57 1 A. Like a second or two. Only because it's not like a
15:22:03 2 green card or a state issued ID, you don't have to scan in
15:22:07 3 the front and scan in the back, you just scan the passport.
15:22:11 4 Q. You put the passport on the scanner, it does a scan,
15:22:14 5 prints out a piece of paper?
15:22:16 6 A. Yes.
15:22:16 7 Q. And then you walk where?
15:22:18 8 A. I walked back out to the sales floor.
15:22:20 9 Q. At that point when you walked back out to the sales
15:22:23 10 floor, where was Mr. Biden?
15:22:24 11 A. He was at the case, the case where the island is set
15:22:28 12 up at one of the -- I believe it was the front case where it
15:22:32 13 was set up at.
15:22:33 14 Q. Was he still sort of alone near the front case with
15:22:37 15 the Form 4473?
15:22:39 16 A. Yes.
15:22:39 17 Q. At that point when you walked out with the copy of
15:22:42 18 his passport, and his passport, did you return the original
15:22:45 19 passport to him or did you hold on to it?
15:22:48 20 A. I had it sitting there and we were getting ready to
15:22:51 21 start filling -- well, he was getting ready to start filling
15:22:54 22 everything out, I need to fill in certain things, as he's
15:22:58 23 filling things out, I got to fill things in, too.
15:23:01 24 Q. Let's get to each of those things.
15:23:03 25 A. Okay.

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15:23:04 1 Q. So when you go back out there, is the form, the blank
15:23:08 2 Form 4473, has he started filling it out yet?

15:23:11 3 A. No, he started filling it out as I was filling things
15:23:14 4 out on my end that I needed to log with the firearm.

15:23:16 5 Q. Where were you in proximity to him as he started
15:23:20 6 filling that out?

15:23:20 7 A. He would have been on this end of the case, I would
15:23:24 8 have been right in front of him on the other side of the
15:23:26 9 case.

15:23:27 10 Q. If you had to describe it in feet, roughly how many
15:23:30 11 feet apart were you and Mr. Biden as he's filling out the
15:23:33 12 form?

15:23:34 13 A. Maybe about like two.

15:23:35 14 Q. Two feet?

15:23:36 15 A. Yeah.

15:23:37 16 Q. Now, in advance of your testimony today, did you
15:23:45 17 review the actual form that Mr. Biden had filled out?

15:23:49 18 A. Yes.

15:23:49 19 Q. And I'm showing you what's been admitted as
15:23:53 20 government's Exhibit 10(a). Is this the form that Mr. Biden
15:24:01 21 filled out in your presence on October 12th, 2018?

15:24:05 22 A. Yes.

15:24:06 23 Q. We're going to go through this together
15:24:08 24 Mr. Cleveland, starting at the top.

15:24:10 25 Ms. Vo, if you could zoom in on the warning

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15:24:14 1 sign. Does the first sentence read, "warning, you may not
15:24:19 2 receive a firearm if prohibited by federal or state law.
15:24:22 3 The information you provide will be used to determine
15:24:25 4 whether you are prohibited from receiving a firearm." Are
15:24:27 5 those the first two sentences?

15:24:29 6 A. Yes.

15:24:29 7 Q. With Mr. Biden, as he has this blank form, what
15:24:32 8 discussion do you have, if any, regarding what he's supposed
15:24:35 9 to do with this form?

15:24:36 10 A. Supposed to fill in his personal information and then
15:24:39 11 answer all the questions truthfully and take your time
15:24:42 12 reading the questions, I cannot help you fill the form out
15:24:45 13 as far as answering the questions.

15:24:46 14 Q. Let's go through each of those things you just said.
15:24:49 15 You said he's supposed to fill out the form truthfully?

15:24:52 16 A. Yes.

15:24:52 17 Q. You used those words truthfully?

15:24:55 18 A. Yes.

15:24:55 19 Q. Do you do that as a matter of practice?

15:24:57 20 A. Always.

15:24:58 21 Q. Why do you do that?

15:24:59 22 A. Because of the questions that are on the form.

15:25:01 23 Q. And you said to take your time to Mr. Biden?

15:25:04 24 A. Yes.

15:25:04 25 Q. Do you do that as a matter of practice with all your

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15:25:08 1 customers?

15:25:08 2 A. Yes, because you will have some people that try to
15:25:11 3 rush through the form, they answer the questions wrong and
15:25:13 4 it voids the sale.

15:25:14 5 Q. So you want the person to take their time so they
15:25:17 6 make sure they answer their questions accurately?

15:25:20 7 A. Yes.

15:25:23 8 Q. And the next thing you said to Mr. Biden was what?

15:25:27 9 A. After I said that with answering the questions and
15:25:35 10 everything, I told him that I would need to go ahead and
15:25:38 11 just double-check about the passport.

15:25:40 12 Q. Okay. We'll wait for the passport for a moment. Did
15:25:44 13 you watch Mr. Biden begin to answer the Form 4473?

15:25:48 14 A. Yes.

15:25:48 15 Q. Let's zoom in on the top portion Section A, please,
15:25:53 16 Ms. Vo.

15:25:54 17 At the top of Section A, does it say must be
15:25:58 18 completed personally by transferee/buyer?

15:26:01 19 A. Yes.

15:26:02 20 Q. Who is the buyer in this case?

15:26:03 21 A. That would be Hunter Biden.

15:26:04 22 Q. Now in Section A, is there anyone that's allowed to
15:26:08 23 fill that out other than the buyer?

15:26:10 24 A. No. Not at all. It's all your personal information
15:26:16 25 as the transferee/buyer.

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15:26:18 1 Q. Turning to the first item, does it say last name
15:26:25 2 Biden, first name Robert, middle name Hunter?
15:26:28 3 A. Yes.
15:26:28 4 Q. Did you watch Mr. Biden fill out question one?
15:26:32 5 A. Yes.
15:26:32 6 Q. And then did Mr. Biden fill out a number and a street
15:26:36 7 address that's under the redaction box?
15:26:38 8 A. He sure did.
15:26:39 9 Q. Did you watch him do that?
15:26:41 10 A. Yes.
15:26:41 11 Q. Did he list his city, county, state, and zip code?
15:26:45 12 A. Yes.
15:26:46 13 Q. Did he also list his place of birth as Wilmington,
15:26:50 14 Delaware?
15:26:52 15 A. Yes.
15:26:52 16 Q. And then did he fill out his height, weight, sex, and
15:26:56 17 birth date?
15:26:57 18 A. Yes.
15:26:57 19 Q. Did you watch him fill out this portion of the form?
15:27:00 20 A. Yes.
15:27:00 21 Q. Did he move on to writing in his unique Social
15:27:05 22 Security number?
15:27:05 23 A. He didn't -- oh, he needed to do the Social Security,
15:27:08 24 yes, I watched him do that, but he didn't need to do the
15:27:12 25 unique pin. You only get the unique pin if you're delayed

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15:27:16 1 and you want to make the process a little bit faster as far
15:27:18 2 as the background being arranged.

15:27:21 3 Q. Did you have that conversation with Mr. Biden as he's
15:27:24 4 filling it out?

15:27:25 5 A. Yeah, I told him don't worry about the unique pin.

15:27:28 6 Q. So then after that question 10(a), did Mr. Biden
15:27:32 7 check the box there that says not Hispanic or Latino?

15:27:37 8 A. Yes.

15:27:37 9 Q. And you saw him do that?

15:27:39 10 A. Yes.

15:27:39 11 Q. Turning to 10B Race, did Mr. Biden list his race as
15:27:45 12 white?

15:27:45 13 A. Yes.

15:27:45 14 Q. And you saw him check that box?

15:27:47 15 A. Yes.

15:27:47 16 Q. Now the next section, did you stay with Mr. Biden as
15:27:51 17 he began to fill out the answers to question 11?

15:27:54 18 A. Yes.

15:27:55 19 Q. Ms. Vo, if we could zoom in on the question 11.

15:28:03 20 At the top of the form, the top of question 11,
15:28:08 21 does it say answer the following questions by checking or
15:28:11 22 marking yes or no in the boxes to the right of the
15:28:15 23 questions, and then it lists yes or no?

15:28:17 24 A. Yes.

15:28:17 25 Q. Did you have any discussions with Mr. Biden at this

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15:28:20 1 point as he got to this portion of the form?

15:28:22 2 A. No, because I had already explained, you know, before
15:28:26 3 he got to that part so I didn't have any discussion about
15:28:30 4 that.

15:28:30 5 Q. Up until this point, was Mr. Biden writing his
15:28:35 6 personal information, was he writing it rapidly, normally?

15:28:39 7 A. He was just filling it out like you would do with any
15:28:42 8 form, taking your time and getting it filled out.

15:28:46 9 Q. So you get to question 11. The first question
15:28:50 10 actually asks are you the actual transferee/buyer of the
15:28:54 11 firearm listed on the form? And it gives a warning. How
15:28:59 12 did Mr. Biden answer that question?

15:29:01 13 A. He answered yes.

15:29:03 14 Q. Had he answered no at this point, what would have
15:29:06 15 happened to the sale?

15:29:07 16 A. I would have said I am not able to finish this sale
15:29:10 17 with you, that voids the sale.

15:29:11 18 Q. Why is that?

15:29:14 19 A. Because basically if you're not the actual
15:29:16 20 transferee/buyer, then you're purchasing it for someone
15:29:20 21 else, I don't know if anyone has heard the term "straw
15:29:23 22 purchase", that's what that would be, someone that goes in
15:29:26 23 that's able to buy the gun, that don't have any felonies and
15:29:31 24 they buy a gun for someone that can't have a gun.

15:29:34 25 Q. If someone were to be filling this out and take a

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15:29:38 1 pencil and go down the no section real quick, that would
15:29:41 2 void the sale right?

15:29:42 3 A. Yes, that would -- no, taking a pencil and going all
15:29:46 4 the way down from the start of that first yes, yes, that
15:29:49 5 would void the sale.

15:29:50 6 Q. If someone answered 11A no, and swiped it real quick
15:29:54 7 not paying attention to it, someone answers 11A no, that
15:29:57 8 they are not the actual transferee/buyer, would that void
15:30:01 9 the sale?

15:30:02 10 A. Yes.

15:30:02 11 Q. Now turning to 11B, 11C, 11D, were those a series of
15:30:09 12 questions that Mr. Biden answered?

15:30:11 13 A. Yes.

15:30:11 14 Q. Did you witness him answer those questions?

15:30:13 15 A. Yes.

15:30:13 16 Q. And did he answer each of those no, striking the box
15:30:16 17 with an X?

15:30:17 18 A. Yes.

15:30:18 19 Q. Getting to 11E, if we could zoom in on that, Ms. Vo.
15:30:32 20 Does 11E asks "are you an unlawful user of, or addicted to
15:30:36 21 marijuana or any depressants, stimulants, narcotic drugs, or
15:30:42 22 any other controlled substance?" Is that what the question
15:30:45 23 ask?

15:30:45 24 A. Yes.

15:30:45 25 Q. Did you watch Mr. Biden answer that question?

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15:30:48 1 A. Yes.

15:30:48 2 Q. What did he write?

15:30:50 3 A. He wrote no.

15:30:52 4 Q. You saw him strike that box with an X?

15:30:55 5 A. Yes.

15:30:56 6 Q. Did he ask you any questions about what that meant?

15:30:58 7 A. No.

15:30:58 8 Q. Did he say I don't understand what a controlled
15:31:01 9 substance is?

15:31:01 10 A. No.

15:31:01 11 Q. Did he say I don't know what it means to be a user?

15:31:05 12 A. No.

15:31:05 13 Q. Did he say I don't know what it means to be addicted
15:31:08 14 to?

15:31:08 15 A. No.

15:31:08 16 Q. He didn't seem to express any confusion by that
15:31:12 17 question?

15:31:12 18 A. No.

15:31:13 19 Q. Now, turning to the remaining questions, we zoom back
15:31:19 20 out and just show 11 and the full snapshot, please, Ms. Vo,
15:31:24 21 did Mr. Biden continue answering the following questions no
15:31:28 22 from 11F to 11I?

15:31:31 23 A. Yes.

15:31:40 24 Q. Now, getting to question 12, did you watch -- by the
15:31:44 25 way, just for the record, did you watch Mr. Biden fill out

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15:31:48 1 all of 11, A through I?

15:31:50 2 A. Yes.

15:31:51 3 Q. Now getting to question 12, 12(a), did Mr. Biden fill
15:31:58 4 out this section in your presence?

15:32:00 5 A. Yes.

15:32:00 6 Q. Did he answer that his country of citizenship is the
15:32:05 7 USA?

15:32:06 8 A. Yes.

15:32:06 9 Q. And then he answered 12B and 12C, no, and 12D-1 no,
15:32:12 10 correct?

15:32:12 11 A. Yes.

15:32:12 12 Q. Getting to 12D-2, he actually put an X in a different
15:32:18 13 box, not in a yes or no column, but this is the not
15:32:22 14 applicable box, correct?

15:32:23 15 A. Yes.

15:32:24 16 Q. That question yes, do you fall within any of
15:32:28 17 exceptions stated in the instructions and he struck not
15:32:31 18 applicable, correct?

15:32:31 19 A. Yes.

15:32:32 20 Q. And not applicable is a satisfactory answer on this,
15:32:35 21 that you can still proceed with the gun sale, correct?

15:32:38 22 A. Yes.

15:32:43 23 Q. Now, at this point, what happens next after you
15:32:47 24 witnessed Mr. Biden filling out the entire page 1?

15:32:50 25 A. So, that's when I went to go get clarity on the

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15:32:55 1 passport.

15:32:56 2 Q. When you say get clarity, why did you get clarity on
15:33:00 3 the passport?

15:33:01 4 A. I figured it was all right, I just needed to
15:33:03 5 double-check because it was my first time using a passport,
15:33:06 6 and I know like as far as with the ID's, it's a form of ID,
15:33:12 7 you're able to use that for a lot of different things.

15:33:14 8 Q. Do most customers present like driver's licenses or
15:33:18 9 other forms of ID?

15:33:20 10 A. So you usually get driver license, state ID, the
15:33:24 11 green cards, and in this event the passport.

15:33:30 12 Q. All right.

15:33:30 13 A. Which you can do with the passport. I guess some
15:33:34 14 people just don't use it like that because of having a state
15:33:38 15 ID or a driver's license.

15:33:40 16 Q. So at this point, do you leave the Form 4473 with
15:33:44 17 Mr. Biden when you go back and ask the question about the
15:33:47 18 passport?

15:33:47 19 A. Yes.

15:33:48 20 Q. Who -- when you leave, who is with Mr. Biden at the
15:33:51 21 counter that you were just at?

15:33:53 22 A. It's a couple of different salesmen that are out on
15:33:56 23 the floor right there. We usually don't leave one salesman
15:34:01 24 on the floor, it always has to be two salesmen on the floor
15:34:05 25 just so they're not overpowered by anybody, and you know,

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15:34:08 1 they have a fair chance on the floor as far as someone
15:34:11 2 coming in to try to take a firearm or coming in doing
15:34:14 3 something, you know, terrible.

15:34:16 4 Q. Did you actually leave the floor at that point
15:34:19 5 momentarily?

15:34:19 6 A. Yes.

15:34:20 7 Q. When you left, who did you see as you left?

15:34:23 8 A. I seen Ron Palimere and I seen Jason Turner.

15:34:27 9 Q. Where were they?

15:34:28 10 A. They were in the back.

15:34:30 11 Q. So not on the floor?

15:34:32 12 A. No.

15:34:32 13 Q. When you went to the back and saw Ron Palimere. Let
15:34:35 14 me ask you this, is Ron Palimere the owner of StarQuest?

15:34:38 15 A. Yes, he is.

15:34:39 16 Q. And you said you saw someone named Jason Turner, is
15:34:42 17 he another employee?

15:34:44 18 A. Yes.

15:34:44 19 Q. Did you have a discussion with them?

15:34:46 20 A. Yes. I said I think the passport is okay, just
15:34:49 21 double-checking.

15:34:50 22 Q. Let me stop you there. So you had a discussion with
15:34:53 23 them because you had a question about passport, correct?

15:34:56 24 A. Yes.

15:34:56 25 Q. Now, at that point did you go ---end up going back to

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15:35:01 1 the sales floor after your question had been answered?

15:35:04 2 A. Yeah.

15:35:04 3 Q. To your satisfaction?

15:35:05 4 A. Yep, I went right back to the sales floor.

15:35:08 5 Q. And what did you believe you could do at that point
15:35:10 6 in the transaction?

15:35:11 7 A. You could take the passport, I was told.

15:35:14 8 Q. So you go back to Mr. Biden out on the sales floor;
15:35:18 9 right?

15:35:18 10 A. Yes.

15:35:18 11 Q. And at that point, did anybody come with you out on
15:35:22 12 to the sales floor?

15:35:23 13 A. Jason.

15:35:24 14 Q. Jason Turner?

15:35:25 15 A. Yes.

15:35:25 16 Q. Was Mr. Biden still at the counter?

15:35:27 17 A. Yes.

15:35:28 18 Q. With the Form 4473?

15:35:30 19 A. Yes.

15:35:30 20 Q. And what did you -- what interaction, if any, did you
15:35:35 21 have with Mr. Biden at that point?

15:35:36 22 A. Interaction I had with him, I just needed him to go
15:35:39 23 ahead and certify the form, Jason pointed that out to me, he
15:35:45 24 opened the form, he signed the form, and then he dated it,
15:35:48 25 and then from there, Jason said also --

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15:35:50 1 Q. Let me stop you there. Let's look at that on the
15:35:54 2 form. If we could go to page 2, is there a certification at
15:36:00 3 the top there?

15:36:00 4 A. Yes.

15:36:01 5 Q. Does it say I certify that my answers in Section A
15:36:05 6 are true, correct, and complete?

15:36:07 7 A. Yes.

15:36:08 8 Q. And the third sentence, does it say, the second
15:36:11 9 sentence does it say I have read and understand the notices,
15:36:15 10 instructions, and definitions on the ATF Form 4473.

15:36:18 11 A. Yes.

15:36:19 12 Q. Does the third sentence say I understand that
15:36:21 13 answering yes to question 11A, I'm just going to say dot dot
15:36:25 14 dot, it goes through each of the questions through 11;
15:36:28 15 correct?

15:36:28 16 A. Yes.

15:36:28 17 Q. Getting to 11B through I, it says on the third line,
15:36:35 18 I understand that a person who answers yes to any of the
15:36:38 19 questions 11B through 11I and/or 12B through 12C is
15:36:42 20 prohibited from purchasing or receiving a firearm. Is that
15:36:46 21 what it says there?

15:36:46 22 A. Yes.

15:36:49 23 Q. And then two sentences later, does it then say, I
15:36:53 24 also understand that making any false oral or written
15:36:57 25 statement or exhibiting any false or misrepresented

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15:37:00 1 identification with respect to this transaction, is a crime
15:37:03 2 punishable as a felony under federal law and may also
15:37:07 3 violate state and/or local law. Is that what it says?

15:37:10 4 A. Yes.

15:37:10 5 Q. Did Mr. Biden ask you any questions about this
15:37:13 6 certification?

15:37:15 7 A. No.

15:37:15 8 Q. Did he express any confusion to you about this
15:37:18 9 certification?

15:37:19 10 A. No.

15:37:21 11 Q. Did you witness him sign his signature right there?

15:37:24 12 A. Yes.

15:37:25 13 Q. And is that -- do you see Mr. Biden in the courtroom?

15:37:28 14 A. Yes.

15:37:28 15 Q. Where is Mr. Biden seated?

15:37:30 16 A. He's to your left and next to his lawyer sitting in
15:37:33 17 the middle.

15:37:34 18 MR. HINES: Let the record reflect he's
15:37:36 19 identified the defendant.

15:37:37 20 BY MR. HINES:

15:37:38 21 Q. Do you see a certification date listed there?

15:37:40 22 A. Yes.

15:37:41 23 Q. Who wrote that date in the certification section?

15:37:43 24 A. He did.

15:37:45 25 Q. So at that point, Section A, the section that says

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15:37:49 1 must be completed by the buyer, been entirely completed by
15:37:55 2 Mr. Biden?

15:37:56 3 A. Yes.

15:37:56 4 Q. Has any other person filled out anything in that
15:37:59 5 section?

15:37:59 6 A. No.

15:38:00 7 Q. What happens next after you see Mr. Biden sign the
15:38:04 8 form and date it?

15:38:06 9 A. What happened next is Jason said also we would need
15:38:09 10 for the passport, another form of like identification
15:38:16 11 stating his address, it could be a bill, or it could be a
15:38:20 12 vehicle registration.

15:38:21 13 Q. What's the next thing you observe?

15:38:24 14 A. I observe Mr. Biden leave out and then come back in.

15:38:29 15 Q. Did you have a Form 4473 with you at that point?

15:38:32 16 A. Yes, yes, it was up front.

15:38:34 17 Q. Where did Mr. Biden go when he came back into the
15:38:38 18 store?

15:38:38 19 A. He came back to the front case.

15:38:41 20 Q. What happened next?

15:38:42 21 A. Jason looked over everything and then went ahead and
15:38:47 22 took it back to Ron for a background check.

15:38:50 23 Q. Now the form Section B continues forward, it says
15:38:55 24 must be completed by the transferor or seller. From this
15:38:59 25 point forward in the form, does the buyer have anything to

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15:39:01 1 fill out?

15:39:02 2 A. No, this is all the person who runs the background.

15:39:05 3 So that's why I don't fill anything out, because I don't do
15:39:10 4 background -- well I wasn't doing background checks, I would
15:39:13 5 only sell.

15:39:14 6 Q. If you look at 19G, who is the employee that
15:39:17 7 completed the background check that day?

15:39:19 8 A. Jason Turner.

15:39:21 9 Q. And under -- so from 16 down, who filled out that
15:39:28 10 section?

15:39:28 11 A. Jason.

15:39:32 12 Q. And you see two different color pens there, correct?

15:39:35 13 A. Yes.

15:39:36 14 Q. Why are there two different color pens there?

15:39:39 15 A. Two different color pens is because Jason does red
15:39:43 16 with dates and the NICS number, so the NICS number is going
15:39:47 17 to be the number that is given once you do the background
15:39:51 18 check for proceed, delay, or deny.

15:39:54 19 Q. Is that practice at StarQuest?

15:39:55 20 A. Yes, that's what Jason tried to get me on board with,
15:40:01 21 but it is a practice. I didn't, never got into doing
15:40:05 22 background.

15:40:05 23 Q. You see the zeros are sort of struck with a line
15:40:09 24 through them?

15:40:10 25 A. Yes.

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15:40:10 1 Q. The zeros at the top in question 18, and the zeros in
15:40:17 2 the middle in question 19, those were done by Jason Turner
15:40:22 3 in the same manner, correct?

15:40:24 4 A. Yes.

15:40:24 5 Q. Turning to the next page, page 3, do you see section
15:40:30 6 D must be completed by transferor/seller even if the firearm
15:40:35 7 is not transferred, do you see that section there?

15:40:38 8 A. Yes.

15:40:38 9 Q. What is listed under question 1, or line 1, I should
15:40:41 10 say?

15:40:42 11 A. Colt MFGCO, Cobra, serial number for the revolver,
15:40:49 12 the type of firearm, it is revolver and then caliber, .38
15:40:54 13 Special.

15:40:54 14 Q. Who wrote that in?

15:40:55 15 A. Jason.

15:40:56 16 Q. And the next section says number 29, total number of
15:40:59 17 firearms transferred and the answer is one?

15:41:05 18 A. Yes.

15:41:05 19 Q. Who wrote that in there?

15:41:06 20 A. Jason.

15:41:07 21 Q. Now the serial number written there, RA551363, could
15:41:14 22 you please display Exhibit 1 A side-by-side. And if you
15:41:25 23 zoom in on one A to the serial number under the wheel,
15:41:33 24 please, Ms. Vo. Is that the same serial number?

15:41:40 25 A. Yes it is.

Cleveland - direct

15:41:42 1 Q. On this exhibit that is on the form?

15:41:44 2 A. Yes, it is.

15:41:45 3 Q. Zooming out a second, Ms. Vo.

15:41:49 4 Returning to the form, you can -- actually,
15:41:56 5 that's fine.

15:41:57 6 Going down to Section 33, paragraph 33, what is
15:42:04 7 stamped there?

15:42:05 8 A. That is the location StarQuest Shooters and Survival
15:42:12 9 Supply, and then that is the, I believe, are FFL number.

15:42:18 10 Q. When is the stamp applied?

15:42:20 11 A. The stamp is applied after the sale.

15:42:24 12 Q. Do you know who applied that stamp?

15:42:27 13 A. That would be someone in the filing part of that. I
15:42:31 14 didn't really get to meet the people that did the filing.

15:42:34 15 Q. Now, going to the next line, paragraph 34, who wrote
15:42:43 16 Gordon Cleveland?

15:42:44 17 A. I did.

15:42:45 18 Q. And that's you, obviously?

15:42:46 19 A. Yes.

15:42:46 20 Q. Whose signature is that in line 35?

15:42:49 21 A. That's mine.

15:42:50 22 Q. And who wrote the seller's title?

15:42:53 23 A. I did.

15:42:54 24 Q. Your title was?

15:42:55 25 A. Sales.

Cleveland - direct

15:42:56 1 Q. And then paragraph 37 has a different ink?

15:43:02 2 A. Yes.

15:43:02 3 Q. Who wrote the date in there?

15:43:04 4 A. Jason did.

15:43:05 5 Q. And why is -- what is the practice and why is it done
15:43:08 6 that way, where it's written in a different ink?

15:43:11 7 A. It's done that way because Jason said it was better
15:43:14 8 and easier for the agents when they come in and do an audit
15:43:18 9 that they can see it in bright red. And he filled it in
15:43:23 10 instead of you because he wanted to make sure it was done in
15:43:26 11 red, because I would do it sometimes in black or blue.

15:43:30 12 Q. So at this point once the form is completed with
15:43:33 13 Mr. Biden, what happens sort of next before the sale is
15:43:38 14 completed?

15:43:39 15 A. The next thing that happened was I talked to him
15:43:44 16 about various things for the firearm, the few different
15:43:49 17 things like a speed loaders, ammunition, just stuff that you
15:43:54 18 need for the firearm.

15:43:56 19 Q. What kinds of things did Mr. Biden and you discuss?

15:43:59 20 A. We discussed about practice ammo, so ammo that is
15:44:05 21 full metal jacket that you would only use at the range. And
15:44:09 22 we talked about who hollow points for self defense.

15:44:11 23 Q. So did you describe to him the differences in those
15:44:14 24 two ammunitions?

15:44:15 25 A. Yes.

Cleveland - direct

15:44:16 1 Q. What are the differences between those two
15:44:18 2 ammunitions?

15:44:19 3 A. Differences is full metal jacket, you do not want to
15:44:23 4 use if you're planning to use the gun for self defense,
15:44:27 5 because with firearms, the bullet that you use, if it over
15:44:30 6 penetrates your target, and it hits someone or damages
15:44:34 7 someone's property, you're held accountable for that, so
15:44:37 8 usually what you want to do is you want to use what we call
15:44:40 9 hollow points, because upon impact it opens up and makes a
15:44:43 10 wound channel, or whatever it hits, it will open up and it
15:44:48 11 won't over penetrate, it will stay in what it hits.

15:44:51 12 Q. So a hollow point expands upon impact and takes out a
15:44:56 13 larger portion of the target, is that fair?

15:44:58 14 A. Yes.

15:44:59 15 Q. Which of those two options did Mr. Biden indicate he
15:45:02 16 wanted?

15:45:02 17 A. He went with the hollow points.

15:45:05 18 Q. So not the ammunition that you asked him, that you
15:45:07 19 wanted for a range?

15:45:08 20 A. Yes.

15:45:09 21 Q. I'm showing you what's been marked as government's
15:45:15 22 Exhibit 2 and 2A is before you.

15:45:21 23 MR. HINES: May I approach, Your Honor?

15:45:22 24 THE COURT: You may.

15:45:27 25 BY MR. HINES:

Cleveland - direct

15:45:27 1 Q. Do you recognize government's Exhibit 2 and 2A, sir?

15:45:30 2 A. Yes.

15:45:30 3 Q. What is 2 and 2A?

15:45:33 4 A. 2 and 2A is American Gunner - Hornady, it's one of
15:45:38 5 their lines of hollow points that they sell.

15:45:41 6 MR. HINES: May I publish?

15:45:42 7 THE COURT: You may.

15:45:47 8 BY MR. HINES:

15:45:49 9 Q. Now Mr. Cleveland, how many cartridges of ammunition
15:45:52 10 were in Exhibit 2 that Mr. Biden purchased?

15:45:55 11 A. I believe it was 25 or 30, I'm not a hundred percent
15:46:01 12 sure, those are usually the numbers that you get with them.

15:46:05 13 Q. It doesn't say 25 cartridges on two A?

15:46:08 14 A. Yes.

15:46:09 15 Q. Now you also mentioned a speed loader. Mr. Biden
15:46:13 16 expressed an interest in a speed loader?

15:46:15 17 A. Yes.

15:46:16 18 Q. What is a speed loader?

15:46:17 19 A. A speed loader is used to be able to reload a
15:46:22 20 revolver a little bit faster because when you don't have a
15:46:25 21 semiautomatic it's totally different, you have to use the
15:46:28 22 pusher to push out the shells after you shoot them. With a
15:46:31 23 speed loader, you load the ammunition in it, you click it,
15:46:35 24 you turn it, you click it, you lock them in place, what you
15:46:40 25 do is line everything up with the cylinder on the revolver

Cleveland - direct

15:46:42 1 and you turn it and the bullets drop right in. It's ideal
15:46:47 2 if you're in a situation where you have to brandish your
15:46:50 3 firearm and use it, it cuts down on the time of you possibly
15:46:53 4 having something happen to you, it will put you back in the
15:46:57 5 fight.

15:46:58 6 MR. HINES: And approaching with Exhibit 3.

15:47:03 7 Q. What is Exhibit 3 and 3A?

15:47:05 8 A. It is an HKS speed loader.

15:47:08 9 Q. And is this the speed loader you sold Mr. Biden?

15:47:12 10 A. Yes.

15:47:13 11 Q. And is this the one he expressed an interest in?

15:47:17 12 A. Yes.

15:47:17 13 MR. HINES: May I publish?

15:47:19 14 THE COURT: You may.

15:47:21 15 BY MR. HINES:

15:47:26 16 Q. So at this point you're speaking with Mr. Biden about
15:47:29 17 other sort of accessories, ammunition, things of that
15:47:33 18 nature. Has the NICS check allowed you to proceed with the
15:47:40 19 sale at this point?

15:47:41 20 A. Yes.

15:47:41 21 Q. So what happens next?

15:47:42 22 A. What happened next is you just go ahead and have the
15:47:46 23 customer pay, you ring everything up, and you have him pay.

15:47:49 24 Q. Did you ring out the sale?

15:47:51 25 A. Yes.

Cleveland - direct

15:47:52 1 Q. I'm showing you Exhibit 13(a). Is this the receipt,
15:48:04 2 a reprint of the receipt that rang out the sale for
15:48:07 3 Mr. Biden that day?

15:48:08 4 A. Yes, it is.

15:48:09 5 Q. What is the first item listed there for \$749.95?

15:48:16 6 A. That's the Talo Edition Colt Cobra.

15:48:20 7 Q. So Exhibit 1?

15:48:21 8 A. Yes.

15:48:21 9 Q. What is the second item listed there?

15:48:24 10 A. HKS speed loader.

15:48:27 11 Q. So Exhibit 3?

15:48:30 12 A. That is going to be for the Gamo air pistol.

15:48:37 13 Q. Line 3 is the air pistol in the receipt you said?

15:48:40 14 A. Yes.

15:48:41 15 Q. What is line 4?

15:48:44 16 A. Line 4 is Hornady American Gunner ammunition.

15:48:48 17 Q. How about line 5?

15:48:50 18 A. NEBO true utility Fishface, I believe that is one of
15:48:55 19 their versions of the flashlight and the other one is a NEBO
15:48:59 20 fire light and I think fire starter kit.

15:49:02 21 Q. Was there anything unique about this particular semi
15:49:05 22 auto air rifle that Mr. Biden purchased for \$89.95?

15:49:10 23 A. Yes.

15:49:11 24 Q. What was unique about it?

15:49:13 25 A. What was unique about that was it didn't have an

Cleveland - direct

15:49:16 1 orange tip to indicate it was an air pistol.

15:49:19 2 Q. What's the orange tip mean?

15:49:21 3 A. It's for safety, got forbid you have kids that have
15:49:25 4 an air pistol and they're playing with it, someone from law
15:49:29 5 enforcement could mistake it as a real gun.

15:49:32 6 Q. Without the orange tip does it look like a real gun?

15:49:35 7 A. Exactly like a real gun.

15:49:37 8 Q. How did Mr. Biden pay that day?

15:49:38 9 A. He paid in cash.

15:49:40 10 Q. Did he tender \$900 in cash?

15:49:42 11 A. Yes.

15:49:42 12 Q. Did you return \$13.19 in change?

15:49:46 13 A. Yeah, he told me to keep the change, which I didn't,
15:49:49 14 that was like a first for me in sales, I said to the owner,
15:49:54 15 you know, being honest about it, he wanted me to keep the
15:49:58 16 change and he said just keep it, and I actually put it in an
15:50:03 17 envelope and left it up at the register.

15:50:06 18 Q. As a matter of practice you're not allowed to keep
15:50:09 19 sort of tips?

15:50:09 20 A. I don't, I don't keep tips, that's just not what you
15:50:13 21 do on sales.

15:50:13 22 Q. Did Mr. Biden leave that day with all of these items
15:50:16 23 on the receipt?

15:50:17 24 A. Yes.

15:50:18 25 Q. And you watched him walk out to the Cadillac?

Cleveland - cross

15:50:21 1 A. Yes.

15:50:22 2 Q. Have you had any other interaction with Mr. Biden
15:50:25 3 since that day?

15:50:25 4 A. No.

15:50:26 5 MR. HINES: No further questions, Your Honor.

15:50:28 6 THE COURT: Okay. Thank you.

15:50:29 7 Cross-exam.

15:50:33 8 CROSS-EXAMINATION

15:50:34 9 BY MR. LOWELL:

15:50:55 10 Q. Good afternoon, Mr. Cleveland.

15:50:56 11 A. Good afternoon.

15:50:57 12 Q. I'm the lawyer that's sitting next to Mr. Biden.

15:51:01 13 A. Yes, sir.

15:51:02 14 Q. We've never met?

15:51:03 15 A. No.

15:51:04 16 Q. Never spoken?

15:51:05 17 A. No.

15:51:06 18 Q. You have met with prosecutors and investigators?

15:51:09 19 A. Yes.

15:51:09 20 Q. How many times?

15:51:10 21 A. Twice.

15:51:11 22 Q. When was the last time?

15:51:14 23 A. I believe last week.

15:51:18 24 Q. Okay. And where was that, here?

15:51:20 25 A. No.

Cleveland - cross

15:51:21 1 Q. Where was that?

15:51:22 2 A. That was at the [REDACTED].

15:51:25 3 Q. Okay. And before that?

15:51:27 4 A. Same place.

15:51:30 5 Q. Okay. How many occasions did you have to be
15:51:33 6 interviewed by either investigators or prosecutors in this
15:51:36 7 matter?

15:51:37 8 A. Twice.

15:51:37 9 Q. And in addition, did you ever appear in front of a
15:51:41 10 grand jury?

15:51:42 11 A. Yes.

15:51:42 12 Q. And before you walked into the grand jury, did you
15:51:45 13 have any conversations with other prosecutors or
15:51:48 14 investigators?

15:51:49 15 A. No, I actually went in to that, they just let me know
15:51:54 16 that I was being summons to go.

15:51:56 17 Q. You indicated that you had worked at StarQuest from
15:51:59 18 2015 to 2021?

15:52:01 19 A. Yes.

15:52:01 20 Q. Why did you leave in 2021, is that when you were --
15:52:05 21 I'm sorry, is that -- why did you leave in 2021?

15:52:08 22 A. Family, having my third child and my health, my
15:52:13 23 health in the middle of me working at StarQuest became -- I
15:52:16 24 came down diabetic and actually had to stay away for a
15:52:20 25 little while because I didn't know what the signs were

Cleveland - cross

15:52:23 1 coming down, and my eyesight was compromised a little bit.

15:52:26 2 Q. Are you doing better now?

15:52:28 3 A. Yeah. Yeah. It was just, my sugar was so high that
15:52:33 4 you know, I had to get flushed out to be fine.

15:52:35 5 Q. You indicated to -- when you were asked a question
15:52:40 6 where StarQuest was located?

15:52:47 7 MR. LOWELL: Without objection, Your Honor, we
15:52:49 8 move into evidence exhibit, defense exhibit number 11.

15:52:53 9 THE COURT: Okay. It's admitted. Thank you.

15:52:55 10 (DTX Exhibit No. 11 was admitted into evidence.)

15:52:56 11 BY MR. LOWELL:

15:52:57 12 Q. And it's on your -- you can also see it on your
15:53:00 13 screen?

15:53:00 14 A. Yes.

15:53:01 15 Q. Mr. Hines showed you this -- a Google picture with
15:53:09 16 Concord and being in front, do you see that?

15:53:11 17 A. Yes.

15:53:11 18 Q. And then I'm showing you a different one. That's the
15:53:14 19 same location, isn't it?

15:53:17 20 A. Yes.

15:53:17 21 Q. That's the same store in the same location?

15:53:19 22 A. Yes, it is.

15:53:20 23 Q. And do you see where the store is located?

15:53:22 24 A. Yes.

15:53:23 25 Q. And do you see below that in the picture another

Cleveland - cross

15:53:26 1 building that's labeled AT&T store?

15:53:29 2 A. Yes.

15:53:29 3 Q. Is that in the same area?

15:53:32 4 A. Yes, it's right across from it.

15:53:34 5 Q. In the same, I don't know if you call it the same
15:53:36 6 parking lot, about the same side?

15:53:38 7 A. Yes, it is.

15:53:39 8 Q. And let me ask you, where does the front of StarQuest
15:53:45 9 Shooters and Survival face?

15:53:47 10 A. It faces the highway.

15:53:52 11 MR. LOWELL: Without objection, can I please,
15:53:55 12 this is Exhibit 21.

15:53:57 13 MR. HINES: No objection.

15:53:58 14 THE COURT: Thank you. It's admitted.

15:54:00 15 (DTX Exhibit No. 21 was admitted into evidence.)

15:54:01 16 BY MR. LOWELL:

15:54:01 17 Q. Is that an accurate depiction of the StarQuest
15:54:04 18 Shooters and Survival?

15:54:05 19 A. Yes, it is.

15:54:06 20 Q. And that road, is that the road we just identified as
15:54:10 21 being Concord?

15:54:11 22 A. Yes.

15:54:11 23 Q. So you testified that on that day, you were on the
15:54:18 24 sales floor?

15:54:19 25 A. Yes.

Cleveland - cross

15:54:20 1 Q. And you looked out the window?

15:54:22 2 A. Yes.

15:54:22 3 Q. And you say you saw Mr. Biden drive up in a black
15:54:27 4 Cadillac?

15:54:27 5 A. Yes.

15:54:28 6 Q. Were you looking out the front of the store when that
15:54:32 7 happened through those windows?

15:54:34 8 A. No, if you see where that yellow pole is, looking out
15:54:37 9 the side, there is a side window right there, you got that
15:54:40 10 front window and there is a side window right on that wall.

15:54:44 11 Q. Looking that way if you will pointing to --

15:54:46 12 A. Yes.

15:54:46 13 Q. Where were you in the store?

15:54:48 14 A. I was right by the window, where that window is that
15:54:50 15 I'm telling you about, the side window, is the statute of
15:54:55 16 the Duke.

15:54:55 17 Q. The first time, maybe the only time, the first time
15:54:58 18 you saw Mr. Biden, are you sure he drove up as opposed to
15:55:02 19 walking across the parking lot?

15:55:03 20 A. Hundred percent sure he drove up.

15:55:06 21 Q. Did you ever see him walk?

15:55:07 22 A. No.

15:55:07 23 Q. What time of day is it that this all occurred that
15:55:11 24 you were there?

15:55:11 25 A. It was in the afternoon because I was --

Cleveland - cross

15:55:14 1 Q. Closer to 12, closer to one, closer to four?

15:55:18 2 A. I would say somewhere around the ballpark of probably

15:55:21 3 like 5, 6.

15:55:22 4 Q. So the end of the day?

15:55:23 5 A. Yeah.

15:55:23 6 Q. Did you see when you saw him drive up in a black

15:55:27 7 Cadillac, you notice cars, right?

15:55:29 8 A. Yes.

15:55:29 9 Q. And you noticed the black Cadillac, did you notice

15:55:33 10 from where it was coming?

15:55:34 11 A. Where it was coming, it was pulling to the back side

15:55:36 12 of the building, coming in to and pulling into where I was

15:55:42 13 looking out of the window.

15:55:43 14 Q. Can we go back to the last picture, Exhibit 11. So

15:55:46 15 looking at this, was it come in the direction of what says

15:55:53 16 Giant Brandywine Pike or coming from the direction of the

15:55:54 17 AT&T store?

15:55:55 18 A. Coming from where Prospect Avenue is, pulling in that

15:55:59 19 way.

15:55:59 20 Q. So from the same direction as the AT&T store?

15:56:02 21 A. Yes. Yes.

15:56:03 22 Q. Okay. So the StarQuest store you said faces Concord,

15:56:11 23 right?

15:56:11 24 A. Yes.

15:56:11 25 Q. And you said you were standing at the corner where

Cleveland - cross

15:56:14 1 the statute is where the yellow pole was, right?

15:56:18 2 A. Yes.

15:56:18 3 Q. That's on that side of the building, isn't it?

15:56:21 4 A. Yes.

15:56:22 5 Q. You just said that the car was coming from the
15:56:24 6 direction of the AT&T store?

15:56:26 7 A. Yes.

15:56:27 8 Q. Could you see through the wall?

15:56:28 9 A. No, I didn't see through the wall, I seen the car
15:56:31 10 coming around, so basically coming up where the other cars
15:56:34 11 are on the right and pulling around into where I was
15:56:37 12 watching from the window.

15:56:38 13 Q. So what you're saying is that it came from the
15:56:41 14 direction of the AT&T store, went past Prospect, came around
15:56:45 15 and then parked; is that what you're saying?

15:56:48 16 A. No, I'm saying that the car entered from where
15:56:53 17 Prospect Avenue is and came around to where I was at.

15:56:55 18 Q. Which would be on the top side of the building --

15:56:59 19 A. Yes.

15:56:59 20 Q. And at what point did you notice the car?

15:57:02 21 A. I noticed the car as soon as it pulled in the third
15:57:06 22 parking spot.

15:57:07 23 Q. How did you know which direction it was coming from?

15:57:09 24 A. Because you can only go two ways coming in, you're
15:57:13 25 either coming in off of Concord Pike as far as down where

Cleveland - cross

15:57:16 1 now it's the bicycle store, or you could come in off of
15:57:20 2 Concord Pike on to Prospect.

15:57:23 3 Q. Okay. So as I'm now understanding, you think he came
15:57:28 4 up from the same direction as the AT&T store, it came at the
15:57:32 5 back, and came around and parked in what you call the third
15:57:36 6 spot?

15:57:36 7 A. Yes.

15:57:39 8 Q. You were on the floor at that time?

15:57:41 9 A. Yes.

15:57:41 10 Q. And you saw a person, a man come into the front door?

15:57:44 11 A. Yes.

15:57:45 12 Q. Not the side or back door, the front door?

15:57:47 13 A. No, not the back, the side, the front door.

15:57:50 14 Q. And at first you said you didn't know who he was?

15:57:53 15 A. No.

15:57:53 16 Q. When he came in, did he come right up to you and say
15:57:57 17 hi, I want to buy a gun?

15:58:00 18 A. No, I greeted him.

15:58:01 19 Q. You went to him?

15:58:03 20 A. Yes.

15:58:03 21 Q. When you greeted him, had he been in the store for a
15:58:07 22 minute or two minutes or how long?

15:58:09 23 A. About a minute. I mean, practice is you want to
15:58:14 24 greet people and we were scrutinized about just letting
15:58:18 25 people come in and look and not greet them and some people

Cleveland - cross

15:58:21 1 were upset that they weren't greeted, I mean it's just not
15:58:25 2 the proper thing to do in firearms sales, you got to greet
15:58:29 3 people.

15:58:30 4 Q. So you described how the inside of the store is laid
15:58:33 5 out?

15:58:33 6 MR. LOWELL: I would like to move into admission
15:58:37 7 Defense Exhibit 23, the inside of the store.

15:58:38 8 MR. HINES: No objection.

15:58:39 9 THE COURT: If you want, you can ask me and then
15:58:41 10 he can say.

15:58:42 11 MR. LOWELL: I'm sorry, Your Honor.

15:58:44 12 THE COURT: It's admitted.

15:58:46 13 MR. LOWELL: Thank you.

15:58:46 14 THE COURT: Because otherwise, I didn't really
15:58:50 15 hear what number you said.

15:58:50 16 MR. LOWELL: I would like to move into evidence
15:58:53 17 Defense Exhibit 23.

15:58:53 18 THE COURT: All right. Thank you. It's
15:58:55 19 admitted.

15:58:56 20 (DTX Exhibit No. 23 was admitted into evidence.)

15:58:56 21 BY MR. LOWELL:

15:58:57 22 Q. Is this a fair and accurate depiction of the showroom
15:59:00 23 that you were describing?

15:59:01 24 A. Yes, it is.

15:59:02 25 Q. And when you acclimate us, when I'm looking at this

Cleveland - cross

15:59:06 1 picture and you're looking at the front counter, which
15:59:09 2 direction is that looking in as to the front of the store?

15:59:12 3 A. You said looking at the counter?

15:59:14 4 Q. Yes, I'm sorry, this is a little hard. You see this
15:59:17 5 area here?

15:59:17 6 A. Yes.

15:59:17 7 Q. If I'm looking that way, where am I looking?

15:59:20 8 A. You're looking out towards where the statute is of
15:59:23 9 the drive up in a black Cadillac is in that window.

15:59:25 10 Q. Would you say this side is the side where the front
15:59:27 11 is?

15:59:27 12 A. Yes.

15:59:28 13 Q. So that faces Concord?

15:59:30 14 A. Yes, it does.

15:59:32 15 Q. All right. Now when you come in there, a person
15:59:36 16 comes in there, do you see on the corner of the counter a
15:59:39 17 display?

15:59:40 18 A. Yes.

15:59:40 19 Q. What is in that display?

15:59:42 20 A. That is knives.

15:59:45 21 Q. Is that where NEBO utility tools are?

15:59:49 22 A. NEBO was scattered a couple different places, we had
15:59:53 23 it -- it was like right up around there and then we had some
15:59:57 24 on the shelf too.

15:59:58 25 Q. So you could see the NEBO products either in that

Cleveland - cross

16:00:01 1 display or in that vicinity?

16:00:03 2 A. Yes, yes, you could.

16:00:10 3 Q. You talked about this NEBO fish face?

16:00:13 4 A. Yeah.

16:00:19 5 Q. Can you please turn in your book please to exhibit DX
16:00:24 6 24, do you see that in the book I gave you?

16:00:26 7 A. Yep. I sure do.

16:00:29 8 Q. Tell me when you're there. Do you see that?

16:00:36 9 A. Yes.

16:00:37 10 Q. Do you recognize what that is?

16:00:39 11 A. That is one of the NEBO tools.

16:00:42 12 Q. Can you look at that carefully, that is one of the
16:00:45 13 NEBO tools?

16:00:46 14 A. Yes.

16:00:46 15 Q. Did you see the sales slip that you were shown a
16:00:49 16 moment ago by Mr. Hines?

16:00:51 17 A. Yes.

16:00:51 18 Q. And it indicated a type of NEBO purchase, right?

16:00:54 19 A. Yes.

16:00:55 20 Q. Does that fairly and accurately depict that NEBO?

16:00:58 21 A. Yes.

16:00:58 22 MR. LOWELL: Your Honor, we would move into
16:01:00 23 evidence Defense Exhibit 24.

16:01:03 24 MR. HINES: No objection.

16:01:04 25 THE COURT: All right. Thank you. It's

Cleveland - cross

16:01:05 1 admitted.

16:01:06 2 (DTX Exhibit No. 24 was admitted into evidence.)

16:01:08 3 BY MR. LOWELL:

16:01:09 4 Q. So this is kind of a utility tool, it has various
16:01:12 5 aspects to it, and that's what was reflected on the receipt?

16:01:15 6 A. Yes.

16:01:21 7 Q. You indicated that there was a sale of a Pellet or a
16:01:25 8 BB gun that day, too, right?

16:01:27 9 A. Yes.

16:01:28 10 Q. And you indicated what kind that was?

16:01:30 11 A. It was a Gamo.

16:01:34 12 Q. Meaning -- does the Gamo, you said I think on the
16:01:39 13 sales slip PTA?

16:01:41 14 A. A PT 80.

16:01:43 15 Q. Who is the manufacturer?

16:01:44 16 A. Gamo is.

16:01:46 17 Q. Would you go back to Exhibit 23.

16:01:50 18 So in the store they also display those, pellet
16:01:54 19 guns, BB guns, things like that?

16:01:56 20 A. Yes, they would be -- they're in that same area.

16:01:59 21 Do you see where that case is that's facing
16:02:01 22 towards the window?

16:02:02 23 Q. I do, yes.

16:02:03 24 A. It's another display that holds the pellet guns.

16:02:07 25 Q. So if I go up to this, it's on this side?

Cleveland - cross

16:02:10 1 A. Yes.

16:02:11 2 Q. And that's where that's displayed?

16:02:13 3 A. Yes.

16:02:13 4 Q. Would you please look at Defense Exhibit 23. No, I'm
16:02:20 5 sorry, 25?

16:02:21 6 A. 25.

16:02:21 7 Q. It's right after the one I gave you.

16:02:24 8 A. All right.

16:02:29 9 Q. Does that picture fairly and accurately depict the BB
16:02:33 10 gun that was put on the sales slip?

16:02:35 11 A. Yes, it does.

16:02:36 12 MR. LOWELL: Your Honor, we move that exhibit,
16:02:37 13 25 into evidence.

16:02:38 14 MR. HINES: No objection.

16:02:39 15 THE COURT: Thank you. It's admitted.

16:02:40 16 (DTX Exhibit No. 25 was admitted into evidence.)

16:02:41 17 BY MR. LOWELL:

16:02:41 18 Q. So before you indicated that -- you indicated that
16:02:45 19 there was a gun, a BB pellet gun sold. Can you describe
16:02:50 20 this one and that's the one that looks like the one you
16:02:53 21 sold?

16:02:53 22 A. Yes, it is.

16:02:54 23 Q. You said something about there not being a red tip?

16:02:57 24 A. An orange tip.

16:02:59 25 Q. I'm sorry, an orange tip?

Cleveland - cross

16:03:00 1 A. Yes.

16:03:00 2 Q. That issue of whether it had an orange tip or not,
16:03:04 3 that's not something -- allow me to look at what you said,
16:03:08 4 that's not something you discussed that day with him?

16:03:10 5 A. What --

16:03:11 6 Q. Whether it had or didn't have an orange tip?

16:03:13 7 A. No, not at all.

16:03:14 8 Q. It didn't come up?

16:03:15 9 A. No.

16:03:16 10 Q. So the next thing, at some point you are talking to
16:03:20 11 him, and I think you said he said he was looking for a
16:03:23 12 handgun?

16:03:24 13 A. Yes.

16:03:24 14 Q. Tell me about -- you can take that down.

16:03:29 15 Tell me about the NEBO tool, when did that come
16:03:33 16 up in the conversation?

16:03:34 17 A. That came after the gun.

16:03:36 18 Q. Not before?

16:03:36 19 A. No. Not at all.

16:03:39 20 Q. So you sell him a gun and then other accoutrements
16:03:45 21 for the gun, and then other things happen?

16:03:48 22 A. He picked those other items as far as the NEBO stuff,
16:03:51 23 I didn't talk him into the NEBO stuff, as far as like
16:03:55 24 promoting the NEBO stuff.

16:03:57 25 Q. I'm sorry, I wasn't asking you --

Cleveland - cross

16:03:59 1 A. I said I wasn't promoting the NEBO items.

16:04:03 2 Q. You said of course you didn't know who it was at the
16:04:05 3 time.

16:04:06 4 When you started having a conversation with him,
16:04:09 5 I want to ask you some questions about topics.

16:04:16 6 A. Uh-huh.

16:04:22 7 Q. In the conversations you had with Mr. Biden before
16:04:24 8 any purchase and you were talking to him, do you remember
16:04:26 9 the topic of him ever being in the store coming up again
16:04:30 10 before?

16:04:31 11 A. You said being --

16:04:32 12 Q. Did the topic of his ever having been in that store
16:04:36 13 come up between you?

16:04:37 14 A. No, not at all.

16:04:38 15 Q. Did any topic come up when he was talking to you
16:04:42 16 about his familiarity with guns, the topic ever being skeet
16:04:47 17 shooting with his brother?

16:04:49 18 A. No.

16:04:49 19 Q. You don't remember that?

16:04:50 20 A. I don't remember that at all.

16:04:51 21 Q. When the topic of what happened with the BB gun, did
16:04:56 22 you have any memory of why it was any BB gun was being
16:05:02 23 discussed?

16:05:02 24 A. No.

16:05:02 25 Q. Did you remember him telling you anything about skeet

Cleveland - cross

16:05:05 1 shooting?

16:05:05 2 A. No.

16:05:06 3 Q. When you and he were talking, you have behind the
16:05:11 4 store as we saw it a display of guns?

16:05:14 5 A. Yes.

16:05:15 6 Q. Did he know which was which?

16:05:17 7 A. No. That's why I --

16:05:20 8 Q. You had to explain to him?

16:05:21 9 A. I explained to him, yes.

16:05:23 10 Q. So when he came in, he didn't say I want a Colt, he
16:05:27 11 didn't say I want a whatever, you're saying he was
16:05:31 12 interested in a handgun?

16:05:32 13 A. Yes.

16:05:32 14 Q. But to be clear, you're the one who explained the
16:05:36 15 various kinds of handguns?

16:05:38 16 A. Yes, I did.

16:05:41 17 Q. And in that conversation, you said something about
16:05:45 18 the Colt being reliable, or standard, or effective, you
16:05:51 19 explained that to him?

16:05:53 20 A. Yes, I did.

16:05:54 21 Q. He didn't know about this Colt Cobra before you
16:05:58 22 explained it, is that right?

16:05:59 23 A. No.

16:06:00 24 Q. At the time when you were explaining the differences,
16:06:03 25 I think you said something about quality and price, did you

Cleveland - cross

16:06:06 1 explain to him the differences between each of the guns that
16:06:08 2 you had on the display?

16:06:09 3 A. Yes. I did.

16:06:12 4 Q. Are you familiar with the phrase "whale hunter"?

16:06:17 5 A. Yes.

16:06:17 6 Q. I see you're laughing?

16:06:19 7 A. Yes, I got to laugh about it.

16:06:22 8 Q. What's a whale hunter?

16:06:24 9 A. That's what they call me because I sold high end guns
16:06:27 10 to customers.

16:06:28 11 Q. That was your intention to sell high end guns?

16:06:31 12 A. I mean, I'm a salesman, so at the end of the day I'm
16:06:35 13 going to sell everything, but I mean, if I'm going to buy it
16:06:38 14 personally, and have it in my collection, or something that
16:06:41 15 is very nice, I wouldn't sell you something that is terrible
16:06:46 16 and let you waste your money.

16:06:47 17 Q. I understand, but it's your intention, you're a
16:06:50 18 salesperson to make the highest price sale you can make?

16:06:53 19 A. Yes.

16:06:53 20 Q. And any other item you can sell at that time and you
16:06:57 21 can tell or convince a buyer to buy it?

16:07:00 22 A. No, I really was not one to promote a lot of the
16:07:02 23 other stuff. I always felt if you buy a gun, you might as
16:07:07 24 well buy the ammunition because what are you going to do,
16:07:10 25 throw it at somebody, that was a big thing with me and

Cleveland - cross

16:07:13 1 Palimere, I did not do up sales, that wasn't my thing. I
16:07:17 2 strictly struck to firearms and ammunition, that's what I
16:07:21 3 was good at.

16:07:21 4 Q. So somebody comes in, and then buys a handgun, you
16:07:27 5 said that being a whale hunter means you're trying to -- did
16:07:31 6 you say, would it be fair to say you sway them into higher
16:07:34 7 end firearms?

16:07:36 8 A. So my colleagues labeled me as the whale hunter,
16:07:40 9 because I was the guy on any given day I could sell two
16:07:45 10 Desert Eagles, I could sell a Barrett .50 cal, that's just
16:07:48 11 what I did.

16:07:49 12 Q. You were the one to be able to have people buy a more
16:07:53 13 expensive weapon?

16:07:54 14 A. Just buy a weapon, that's what you do as a sales
16:07:57 15 person, you get people to buy, just like when you go to buy
16:08:01 16 a car, the car salesman is going to have you buy something,
16:08:05 17 it's just the law of sales.

16:08:06 18 Q. But it's your intention to have customers buy, not
16:08:09 19 saying anything wrong with this, a "higher end firearm, a
16:08:13 20 bit more expensive" if you could?

16:08:14 21 A. I would have them buy something that was of quality
16:08:18 22 of what I would buy, I wouldn't sell junk, that's what I'm
16:08:21 23 saying.

16:08:22 24 Q. I'm asking a very specific phrase though, would you
16:08:24 25 tell them or would you say that it was your intention to

Cleveland - cross

16:08:27 1 have them buy higher end firearms, a bit more expensive,
16:08:32 2 would that be a fair characterization?

16:08:34 3 A. No.

16:08:34 4 Q. Do you remember testifying on at a grand jury on
16:08:37 5 April the 19th, 2022?

16:08:39 6 A. Yes.

16:08:39 7 Q. Would you look in your book, please for tab -- may I
16:08:45 8 approach, judge?

16:08:46 9 THE COURT: Yes.

16:09:02 10 THE WITNESS: Do you want me to close this?

16:09:04 11 Q. You may.

16:09:07 12 Page 11, line 13. I'm sorry, I'm told --

16:09:20 13 A. Is it in here?

16:09:22 14 Q. I think. Let me find it. It's in there, sorry,
16:09:25 15 pardon me, it's the very first tab.

16:09:29 16 Will you look on page 11, line 13. You said you
16:09:45 17 remembered being in the grand jury, right?

16:09:47 18 A. Yes.

16:09:47 19 Q. You were put under oath?

16:09:49 20 A. Yes.

16:09:49 21 Q. Were you asked and then answered as I asked you, I
16:09:52 22 try to sway them to higher end firearms, a bit more
16:09:56 23 expensive, wasn't that your testimony?

16:09:58 24 A. Yes.

16:09:59 25 Q. You can shut that.

Cleveland - cross

16:10:03 1 In that same regard being the whale hunter, do
16:10:07 2 you also seek people if they have a choice to buy a more
16:10:11 3 expensive brand of bullet?

16:10:13 4 A. I mean, hollow points ammunition is kind of close
16:10:18 5 now, but there was a price difference in them, yes.

16:10:20 6 Q. Hollow tip, as you described it, cost more than the
16:10:24 7 other kind?

16:10:25 8 A. Yes.

16:10:26 9 Q. That's the one he bought that day?

16:10:28 10 A. Yes.

16:10:29 11 Q. Now, when he came in, did he appear to you to be
16:10:32 12 somebody who would even know the difference between a hollow
16:10:36 13 tip bullet and a "full metal jacket"?

16:10:39 14 A. No, that's why I explained it to him.

16:10:41 15 Q. So you're the one who explained it?

16:10:43 16 A. Yes.

16:10:43 17 Q. And you're the one who directed him to the hollow tip
16:10:47 18 after you explained it?

16:10:48 19 A. No, he picked that, I didn't.

16:10:49 20 Q. But you explained both?

16:10:51 21 A. I explained it, everything that he bought, he
16:10:55 22 ultimately decided on.

16:10:55 23 Q. Right. But you brought that to his attention?

16:10:58 24 A. Yes.

16:10:58 25 Q. Then you mentioned the speed loader. When he came

Cleveland - cross

16:11:01 1 into the store, did he look like somebody who would know
16:11:04 2 what a speed loader was?

16:11:05 3 A. No.

16:11:06 4 Q. Did you explain that to him?

16:11:08 5 A. Yes.

16:11:08 6 Q. All that explanation about it makes it easier to
16:11:11 7 load, et cetera, that was your understanding, right?

16:11:13 8 A. Yes.

16:11:16 9 Q. Was having him buy a speed loader part of being a
16:11:21 10 whale hunter?

16:11:22 11 A. No. So to elaborate, can I elaborate on that?

16:11:29 12 Q. Please do.

16:11:29 13 A. With that, I mean, I'm making -- I was making the
16:11:32 14 same pay regardless if anyone bought anything or not.

16:11:36 15 Q. Okay. Let's talk about that. I get that and you
16:11:39 16 didn't take a tip, I get that. But you get paid a salary
16:11:44 17 and you want obviously to be a successful salesperson,
16:11:48 18 right?

16:11:48 19 A. It was more of me being in sales because I liked
16:11:52 20 firearms, it was just to basically -- that little bit of
16:11:56 21 income was good because what I was usually doing was taking
16:12:00 22 my full-time job checks and buying multiple firearms in a
16:12:04 23 month. So just to have a little extra cash was decent.

16:12:08 24 Q. I don't -- I understand and I'm sorry that you had to
16:12:12 25 work two jobs. What I'm asking is it was your intention to

Cleveland - cross

16:12:16 1 have your customers purchase as much as they would buy?

16:12:18 2 A. It's up to them what they want to buy, all I do is
16:12:21 3 just go ahead and tell them the differences about what I
16:12:25 4 prefer as far as being better quality than some other
16:12:29 5 people.

16:12:29 6 Q. I'm sorry, just a moment ago didn't you look at the
16:12:32 7 grand jury and say I try to sway them to higher end
16:12:35 8 firearms, a bit more expensive?

16:12:37 9 A. Yeah, because of some firearms being not so great and
16:12:40 10 I wouldn't want somebody to come back and complain "well
16:12:44 11 this firearm needs to go back to the manufacturer and be
16:12:47 12 fixed because it jammed after three rounds at the range."

16:12:51 13 Q. Okay. I understand.

16:12:53 14 A. So that --

16:12:54 15 Q. So now the sequence of events is that he comes in,
16:12:59 16 his immediate conversation with you is about a handgun, and
16:13:02 17 it's after which that you and he discuss that NEBO utility
16:13:08 18 tool?

16:13:08 19 A. I didn't discuss the NEBO utility tool, he picked
16:13:12 20 that.

16:13:12 21 Q. Where were you when he did that and what did you say
16:13:15 22 to him about that?

16:13:16 23 A. I didn't say anything because that was what he
16:13:19 24 picked. He picked it. He picked it while he was up there.

16:13:21 25 Q. Was there any other salesperson working with him that

Cleveland - cross

16:13:25 1 day?

16:13:25 2 A. No. I mean, Jason is in sales, but he runs the
16:13:28 3 background, he came out. But no, there wasn't anybody else,
16:13:31 4 it was just me.

16:13:32 5 Q. So in the sequence, he bought the gun?

16:13:35 6 A. He's getting ready to checkout for the gun, he hasn't
16:13:40 7 finished paying when he's getting all the other items that
16:13:43 8 he's getting.

16:13:44 9 Q. After the gun is explained to him, the speed loader
16:13:46 10 explained to him, the bullets are explained to him, and he
16:13:49 11 has all that, is that on the counter?

16:13:52 12 A. Yes.

16:13:52 13 Q. And that's when you deal with the form?

16:13:54 14 A. The form -- the form was -- no, so you got the
16:13:58 15 sequence messed up. The guns and all that stuff was -- I
16:14:02 16 mean the gun, the ammo, and the speed loader was on the
16:14:06 17 counter, but that was after the fact that the background
16:14:09 18 check was already ran.

16:14:10 19 Q. So before the background check was already done,
16:14:14 20 where was the handgun?

16:14:14 21 A. The handgun was already on the counter.

16:14:17 22 Q. Where are the bullets?

16:14:19 23 A. The bullets are on the shelf because we haven't even
16:14:21 24 discussed them before the background check.

16:14:23 25 Q. Where was the speed loader?

Cleveland - cross

16:14:24 1 A. The speed loader is on shelf.

16:14:26 2 Q. So to put in the right sequence, at some point all of
16:14:29 3 those things get on the counter?

16:14:30 4 A. We end up going through it and he ultimately picks
16:14:34 5 the stuff and it gets on the counter.

16:14:36 6 Q. Now he, according to you, intended to and did have
16:14:39 7 the gun, the bullets, and the speed loader all there ready
16:14:43 8 to go?

16:14:43 9 A. Yes.

16:14:43 10 Q. And you had been working with him during this period
16:14:46 11 of time?

16:14:46 12 A. Yes.

16:14:46 13 Q. It's your testimony that then he goes by the way,
16:14:51 14 over there, I see that NEBO display, I will take one of
16:14:54 15 those, he wondered over there?

16:14:55 16 A. He went and got it.

16:14:58 17 Q. I'm asking how that went about?

16:15:00 18 A. He picked the NEBO. I'm at the counter. He picked
16:15:03 19 the NEBO, he decided about the NEBO, I didn't discuss it.

16:15:07 20 Q. Let's talk about the sequence.

16:15:07 21 A. Okay.

16:15:09 22 Q. You're at the counter, but the gun, the bullets, and
16:15:12 23 speed loader are there?

16:15:13 24 A. Yes.

16:15:13 25 Q. And he's about to pay?

Cleveland - cross

16:15:15 1 A. Yes.

16:15:15 2 Q. And it's your testimony that at that moment he turns
16:15:18 3 and sees the utility display and says "I'll take one of
16:15:22 4 those"?

16:15:23 5 A. I mean yeah, I'll take one of those.

16:15:24 6 Q. He didn't reach in him self, he had to have somebody
16:15:27 7 do it?

16:15:27 8 A. Yes.

16:15:27 9 Q. That would be you?

16:15:28 10 A. Yes.

16:15:29 11 Q. And that's when you say it happened? Which happened
16:15:32 12 first, the NEBO utility, or the next item on the sales slip?

16:15:36 13 A. I think it was the NEBO.

16:15:38 14 Q. So he does that, so now you have the gun, the
16:15:40 15 bullets, and the revolver, and now has the NEBO utility tool
16:15:45 16 been put on the counter?

16:15:46 17 A. Yes.

16:15:47 18 Q. And then he goes to another display and says I also
16:15:51 19 want a BB gun?

16:15:53 20 A. He picked the BB gun out, I don't think he said
16:15:57 21 anything to me about the BB gun, he just picked the BB gun.

16:16:02 22 Q. So again to sequence, you think the NEBO came first?

16:16:04 23 A. Yes.

16:16:05 24 Q. And then tell me how that happened, so now you're at
16:16:08 25 is the counter, he's checking out, you have the gun, the

Cleveland - cross

16:16:11 1 bullet, the speed loader, and now you pick the utility tool,
16:16:14 2 how did the BB gun, he walks around and says I want one of
16:16:18 3 those too?

16:16:19 4 A. That's what I'm saying, he walked around and got the
16:16:22 5 BB gun, the BB gun is not secured like the real firearms
16:16:26 6 are, so you can walk up and pull it right off of the shelf.

16:16:29 7 Q. What shelf?

16:16:30 8 A. The display that it was on.

16:16:32 9 Q. Can we go back to the interior of the store photo,
16:16:35 10 please, Exhibit 23.

16:16:39 11 So, I thought you said, you see in the side that
16:16:43 12 was facing the counter?

16:16:44 13 A. Yes.

16:16:45 14 MR. HINES: Counsel, can I ask you a question?

16:16:51 15 (Discussion off the record.)

16:16:53 16 Q. I thought I asked you and if I didn't, please let me
16:16:56 17 do it again. Does this fairly and accurately depict the
16:16:59 18 floor of the StarQuest Shooters the day that you sold him
16:17:03 19 the gun?

16:17:04 20 A. Yes.

16:17:05 21 Q. And the point that I was at was asking you about the
16:17:09 22 BB gun, is it up there, is it in here, where is it?

16:17:14 23 A. No, so take your pen, go to where the black area is
16:17:17 24 right there, to your left, to your left, to your left, to
16:17:20 25 your left, go over to your left some more, oh you're out of

Cleveland - cross

16:17:23 1 frame of the picture because that's where the case was.

16:17:26 2 Q. It's in a case in the back?

16:17:27 3 A. It's not in a case, the display case, it's not in a
16:17:30 4 case in the back.

16:17:31 5 Q. It's in a case that would be next to what looks likes
16:17:35 6 hand guns over there?

16:17:36 7 A. It's basically like you go in to a supermarket and
16:17:39 8 you get something right off of the hanger on the shelf,
16:17:41 9 that's what type of display case it was, it wasn't secured
16:17:45 10 or locked up or anything like the real firearms.

16:17:47 11 Q. It had a glass in front of it?

16:17:50 12 A. No, BB guns don't have glasses in front.

16:17:54 13 Q. So it's on a shelf?

16:17:54 14 A. Yes, BB guns don't have glass in front of them.

16:17:55 15 Q. So where are you when he enters with the gun, the
16:17:59 16 speed loader, over here?

16:18:00 17 A. Yes.

16:18:01 18 Q. And then he walks over and gets somebody to give him
16:18:03 19 the NEBO tool?

16:18:05 20 A. Yes.

16:18:05 21 Q. And then your testimony is after that, he wanders
16:18:11 22 over to another display case on the back wall, and where are
16:18:16 23 you?

16:18:18 24 A. I am still up at the front.

16:18:23 25 Q. Did he tell you why he was going over there?

Cleveland - cross

16:18:25 1 A. No.

16:18:26 2 Q. Did you see him go and pick out a gun, a BB gun?

16:18:30 3 A. I seen him pick out the BB gun.

16:18:32 4 Q. And that's back there?

16:18:34 5 A. Yes.

16:18:40 6 Q. When in the sequence that I brought you to -- so when

16:19:00 7 in sequence of these events do you hand him the 4473 form?

16:19:07 8 A. He gets handed the 4473 after he picks what firearm

16:19:12 9 he wants to go with.

16:19:14 10 Q. After you explain it?

16:19:15 11 A. Yes.

16:19:15 12 Q. Before the bullets and the speed loader?

16:19:17 13 A. Yes.

16:19:18 14 Q. So you're at the front, you described, you would be

16:19:23 15 on the inside, he would be on the outside?

16:19:24 16 A. Yes.

16:19:25 17 Q. Is that where the form was given to him?

16:19:27 18 A. Yes.

16:19:27 19 Q. And it's given to him in blank, right?

16:19:31 20 A. Yes.

16:19:32 21 Q. And did he have a pen?

16:19:35 22 A. I had to get him a pen.

16:19:36 23 Q. What color pen?

16:19:37 24 A. Black.

16:19:39 25 Q. So you gave him a pen. And at what point did you

Cleveland - cross

16:19:44 1 take the identification form, the type of identification?

16:19:47 2 A. Right after I sat the form up there, I went to go and
16:19:51 3 do the identification, and make the copy.

16:19:53 4 Q. So no, I'm sorry, I can ask that better. When did he
16:19:59 5 hand you the form of identification in the sequence?

16:20:01 6 A. He handed me the form of identification when I asked
16:20:04 7 for it while I was getting the 4473. So it was like an
16:20:08 8 exchange of getting the identification and the 4473.

16:20:11 9 Q. Where was the 4473 form?

16:20:13 10 A. They were -- so you see that register right there up
16:20:17 11 front, they were right underneath of there.

16:20:19 12 Q. So you went to get a form?

16:20:21 13 A. Yes.

16:20:21 14 Q. Did you have his passport at that point?

16:20:23 15 A. Yes.

16:20:24 16 Q. So he gave you the passport before you got the form?

16:20:27 17 A. Yeah.

16:20:27 18 Q. So you went to get the form, right?

16:20:30 19 A. Yes.

16:20:30 20 Q. Okay and you brought it back?

16:20:33 21 A. I just -- no, I'm in the island so I sat it right up
16:20:38 22 on the front.

16:20:38 23 Q. But you're holding his passport?

16:20:41 24 A. Yes.

16:20:41 25 Q. But he has the blank form, you have the passport. At

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16:20:44 1 what point do you then as you said go and take the passport
16:20:50 2 elsewhere?

16:20:50 3 A. I go and do the passport after he's filling out all
16:20:54 4 this stuff.

16:20:55 5 Q. So he starts filling it out and you're still holding
16:20:59 6 his passport?

16:21:00 7 A. Yes.

16:21:00 8 Q. You haven't gone and made a copy yet?

16:21:03 9 A. No.

16:21:03 10 Q. Are you sure?

16:21:04 11 A. Yes.

16:21:05 12 Q. So he fills out the form and then you deal with the
16:21:07 13 passport.

16:21:09 14 Can you put up, please, government
16:21:17 15 Exhibit 10(a). And you identified this as the form?

16:21:19 16 A. Yes.

16:21:20 17 Q. And as you identified it, there are parts to the form
16:21:25 18 that are filled out by the buyer?

16:21:26 19 A. Yes.

16:21:27 20 Q. And by the seller?

16:21:28 21 A. Yes.

16:21:28 22 Q. And some of the seller is you and some of it could be
16:21:32 23 Mr. Turner?

16:21:33 24 A. Yes.

16:21:38 25 Q. When you gave him the form, Mr. Hines had you read

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16:21:44 1 what it said on top, but you didn't read that out loud about
16:21:48 2 the warning, that didn't happen, that's not what you do?

16:21:51 3 A. No, that's not for me to read, that's for the
16:21:54 4 purchaser to read.

16:21:54 5 Q. And you said that you said to him, "take your time
16:21:59 6 answering the questions." And "I can't help you."

16:22:05 7 A. Yes.

16:22:05 8 Q. Both of those things you said to him?

16:22:07 9 A. Yes.

16:22:08 10 Q. Then you said, I then started filling out the form?

16:22:12 11 A. Yes.

16:22:13 12 Q. Did he fill out the top part of the form with his
16:22:17 13 name and his address and his weight, et cetera, and then
16:22:23 14 that with his passport were taken to the back room so that
16:22:29 15 somebody could say to you if it was okay?

16:22:31 16 A. You said did I take the form with the passport?

16:22:34 17 Q. Yeah, did you?

16:22:35 18 A. No.

16:22:35 19 Q. Just the passport?

16:22:36 20 A. Just the passport.

16:22:37 21 Q. You're sure about that?

16:22:38 22 A. Hundred percent sure.

16:22:40 23 Q. In the back room when you did that, who was there?

16:22:43 24 A. It was Ronald Palimere and Jason Turner.

16:22:46 25 Q. They're both in the back room?

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16:22:49 1 A. Yes.

16:22:49 2 Q. They would have seen what you brought?

16:22:52 3 A. Yes.

16:22:54 4 Q. And up on this, it says on the top, read the notices

16:23:04 5 instructions, and definitions on the form. Do you see that?

16:23:06 6 A. Yes.

16:23:07 7 Q. That applies to everybody on the form, right? You --

16:23:12 8 I'm sorry, Mr. Biden and everybody else who has to fill it

16:23:15 9 out?

16:23:15 10 A. Yes.

16:23:16 11 Q. And it says on page 1, same thing, it says, do you

16:23:21 12 see where it says prepare an original only?

16:23:24 13 A. Yes.

16:23:25 14 Q. And the top part A says transfer or seller's

16:23:30 15 transaction?

16:23:33 16 A. Yes.

16:23:34 17 Q. Okay. And then Section A is filled out by the buyer,

16:23:37 18 in this case Hunter?

16:23:39 19 A. Yes.

16:23:39 20 Q. And you talked about what he filled out, a name, et

16:23:43 21 cetera, I don't want to go over that again. The address he

16:23:46 22 gave, did you know whether that was his address or the

16:23:50 23 address of his parents or the address of anybody else?

16:23:52 24 A. No, I didn't know what address that was.

16:23:55 25 Q. Okay. Then Section B, a little bit further down,

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16:23:59 1 that's -- Section B is the next page, I think. And that
16:24:06 2 part is filled out by the seller?

16:24:09 3 A. Yes.

16:24:09 4 Q. And all of that U.S. passport and the numbers in
16:24:13 5 black and in red, you said that was by Mr. Turner?

16:24:17 6 A. Yes.

16:24:17 7 Q. And then questions 19, 20, and 21, are also ones that
16:24:26 8 are filled out by in this case the seller; right?

16:24:29 9 A. Yes.

16:24:29 10 Q. And that's in red?

16:24:31 11 A. Yes.

16:24:31 12 Q. Does Mr. Turner always do it in red?

16:24:34 13 A. Yes.

16:24:35 14 Q. And that's when you -- he does what's called a
16:24:40 15 background check?

16:24:40 16 A. Yes.

16:24:41 17 Q. And then it comes back --

16:24:42 18 A. Well that wouldn't be filled in until he did the
16:24:45 19 background because he can't put that NICS number in there
16:24:49 20 without doing the background.

16:24:50 21 Q. He does the check based on -- what did he have in his
16:24:53 22 possession, Mr. Turner, when he ran the background check?

16:24:57 23 A. He had the form.

16:24:57 24 Q. And in what condition did he have the form?

16:25:00 25 A. The form completed.

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16:25:01 1 Q. Completed.

16:25:02 2 A. Yes.

16:25:03 3 Q. It would have all the boxes checked and Mr. Biden's
16:25:06 4 signature on it?

16:25:07 5 A. Yes.

16:25:07 6 Q. And then he runs it and that's when he does his entry
16:25:11 7 of the date and NICS number and the proceed?

16:25:16 8 A. Yes.

16:25:16 9 Q. If you go down to section D. That handwriting Colt,
16:25:22 10 that's also you said Mr. Turner's?

16:25:24 11 A. Yes, sir.

16:25:25 12 Q. And then on the back page -- I'm sorry, before you
16:25:29 13 get there, Mr. Radic, apologize. On line 33, the stamp,
16:25:34 14 StarQuest Shooters on the left side?

16:25:36 15 A. Yes.

16:25:36 16 Q. Is that on the form to start with?

16:25:38 17 A. No.

16:25:39 18 Q. Or does it have to be put --

16:25:41 19 A. No, that goes, like I said, that happens I believe
16:25:44 20 with the filing, that gets filled in to be filed. The
16:25:47 21 stamping of the store and the FFL number.

16:25:50 22 Q. And then further down, the next page, that's where
16:25:54 23 you identified your name and your signature that you wrote?

16:25:57 24 A. Yes.

16:25:57 25 Q. And then Mr. Turner puts in the red ink?

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16:26:01 1 A. Red ink, yes.

16:26:03 2 Q. There form then says notices, instructions and
16:26:05 3 definitions right under that, do you see that?

16:26:07 4 A. Yes it does.

16:26:08 5 Q. It says the purpose of the form. It says the
16:26:11 6 information and certification are designed so that a person
16:26:15 7 licensed may determine if he or she may lawfully sell,
16:26:20 8 Mr. Hines pointed to this to make sure you can properly sell
16:26:23 9 or somebody can properly buy a gun right?

16:26:26 10 A. Yes.

16:26:26 11 Q. It says it need to be filled out by the licensed
16:26:29 12 business premises, that would be StarQuest, right?

16:26:32 13 A. Yes.

16:26:32 14 Q. And it says you, that is the seller, "the transferor
16:26:38 15 or seller of a firearm must determine the lawfulness of a
16:26:42 16 transaction, right?

16:26:43 17 A. Yes.

16:26:45 18 Q. And it says that the seller, in this case, StarQuest
16:26:49 19 needs to maintain proper records, correct?

16:26:51 20 A. Yes.

16:26:51 21 Q. And then it says after the seller has completed the
16:26:54 22 firearms transaction, he, she, must make the completed
16:26:58 23 original form which includes the notices, general
16:27:01 24 instructions and definitions and any supporting
16:27:03 25 documentation part of their permanent records and keep it

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16:27:06 1 for twenty years?

16:27:07 2 A. Yes.

16:27:07 3 Q. That's on the form itself?

16:27:09 4 A. Yes.

16:27:10 5 Q. So in the normal course of things, the form is filled
16:27:13 6 out and then it is kept on the premises of the store?

16:27:17 7 A. Uh-huh.

16:27:17 8 Q. I'm sorry, you have to say yes or no?

16:27:21 9 A. I'm sorry, yes.

16:27:21 10 Q. It's not supposed to be at that point sent anywhere?

16:27:25 11 A. No, not at all.

16:27:27 12 Q. And --

16:27:28 13 A. Sorry, I think they make an exception to that you can
16:27:31 14 have like a storage unit and store it, too.

16:27:34 15 Q. But you don't have to mail it or fax it or send it to
16:27:38 16 anybody?

16:27:39 17 A. No, not at all.

16:27:40 18 Q. On page 3, if you'll go up above, I'm sorry, on
16:27:45 19 page 3, go back down a little bit. On the right side of the
16:27:54 20 column, the second paragraph, it reads, if the
16:27:59 21 transfer/seller, that would be StarQuest, right?

16:28:01 22 A. Yes.

16:28:01 23 Q. Or the buyer discovers that a form is incomplete or
16:28:05 24 improperly completed after the firearm has been transferred

16:28:08 25 --

16:28:08 1 MR. HINES: I object, Your Honor.

16:28:10 2 THE COURT: All right. Let's have a side-bar.

16:30:47 3 (Side-bar discussion:)

16:30:47 4 MR. HINES: So the objection is not only it is
16:30:47 5 outside the scope of direct, it is irrelevant what StarQuest
16:30:47 6 did years later, with the form, and he's driving towards
16:30:47 7 that, it has no relevancy to whether or not Mr. Biden filled
16:30:47 8 out the form.

16:30:47 9 THE COURT: Should I let the jury go for
16:30:47 10 tonight?

16:30:47 11 MR. LOWELL: No, it's a good time to let them
16:30:48 12 go. Can I respond?

16:30:48 13 THE COURT: How much more do you have?

16:30:48 14 MR. LOWELL: For him, quite a lot.

16:30:48 15 THE COURT: Okay. All right.

16:30:48 16 MR. LOWELL: Well, I'm sorry, that's stupid, I
16:30:48 17 apologize.

16:30:48 18 MR. HINES: He drives a trash truck, he's away
16:30:48 19 from work.

16:30:48 20 MR. LOWELL: It won't be over by 4:30 or even
16:30:48 21 4:45, and I'm -- well, do you want to talk about this in
16:30:48 22 open court before, or how do you want to do this?

16:30:48 23 THE COURT: I mean, if's he not going to finish,
16:30:48 24 are you going to finish by 5:00.

16:30:48 25 MR. LOWELL: Maybe, I don't know how long it

16:30:48 1 will take. I don't want --

16:30:48 2 THE COURT: I'm just sensitive to the fact that
16:30:48 3 he's missing his work.

16:30:48 4 MR. LOWELL: Can I see how far -- let me respond
16:30:48 5 to his objection.

16:30:48 6 THE COURT: Yes.

16:30:48 7 MR. LOWELL: I am not asking something you did
16:30:48 8 years later, not doing that. I am indicating because he
16:30:48 9 opened the door when he said something about somebody
16:30:48 10 getting a second car registration or second form of
16:30:48 11 identification, he said that, I didn't, and so consequently,
16:30:48 12 I need to ask him what that was.

16:30:48 13 THE COURT: No. You're not putting that in. I
16:30:48 14 ruled on that. I don't think that he opened the door. You
16:30:48 15 didn't object or I guess, if you want me to strike what he
16:30:48 16 said on that, I will consider it, but we're not opening the
16:30:48 17 door on that.

16:30:48 18 MR. LOWELL: So I cannot ask him, then, was a
16:30:48 19 second form of identification given to him that moment.

16:30:48 20 THE COURT: At that moment. Why can't they ask
16:30:48 21 at that moment.

16:30:48 22 MR. HINES: He has no basis, he doesn't know.

16:30:48 23 MR. LOWELL: To him.

16:30:48 24 THE COURT: You can say at that moment.

16:30:48 25 MR. LOWELL: Okay.

16:30:48 1 THE COURT: But if he misunderstands your
16:30:48 2 question and starts talking about something later, we're
16:30:48 3 going to cut him off.

16:30:48 4 MR. LOWELL: Okay.

16:30:53 5 THE COURT: Members of the jury, we're going to
16:30:55 6 hopefully --

16:34:06 7 (Sidebar discussion:)

16:34:06 8 MR. LOWELL: I want to be very fair to
16:34:06 9 Mr. Cleveland, but to be fair to the jury, I don't think I
16:34:06 10 would finish by 5 o'clock. And I want to say that so that I
16:34:06 11 don't mislead and have them wait around. I'm sorry about
16:34:06 12 him, I didn't know the time, how long anything would take
16:34:06 13 today. But I'm looking at my outline for the things that
16:34:06 14 you're lug me to ask and I won't be done in that period of
16:34:06 15 time.

16:34:06 16 MR. HINES: I don't know what else is relevant
16:34:06 17 of this witness. We just did a tour of StarQuest.

16:34:06 18 MR. LOWELL: Why is that not relevant to find
16:34:06 19 out where he was?

16:34:06 20 MR. HINES: Well, you have taken more than
16:34:06 21 thirty minutes --

16:34:06 22 THE COURT: I'm not going to cut him off from
16:34:06 23 asking fair questions of the witness. So hopefully
16:34:06 24 Mr. Cleveland won't have to miss too much work tomorrow.

16:34:06 25 MR. LOWELL: I'm promise I'll cut it down based

16:34:06 1 on what you said. I'm being honest with you and you and
16:34:06 2 you, it won't be over and I know the jury will be here
16:34:06 3 longer. I'm sorry, can I also say I'm trying, but at the
16:34:06 4 same time, you shouldn't criticize me for how long -- you're
16:34:06 5 taking time on things you could have done shorter as well.

16:34:06 6 THE COURT: If he's not going to finish, then
16:34:06 7 why I am going to keep everybody here for a half hour?

16:34:06 8 MR. WISE: I think he's going to run out. It's
16:34:06 9 hard to imagine --

16:34:06 10 THE COURT: Keep going. I have a lot of faith
16:34:06 11 in Mr. Lowell that he's not going to run out of things. I
16:34:06 12 do.

16:34:06 13 MR. WISE: I have less faith.

16:34:06 14 MR. LOWELL: So I am suggesting, you tell me, I
16:34:06 15 don't know, this could go for another hour, I'm not saying
16:34:06 16 it will, but I don't want to invoke the wrath of the jury
16:34:06 17 who has been told at the end of the day it's 4:30. I think
16:34:06 18 this fairest thing to do is for me to stop. I will go back
16:34:06 19 to my outline and make it as short as possible -- I can't do
16:34:06 20 that now -- to save time.

16:34:06 21 THE COURT: I'm going to let him do it. And
16:34:06 22 we're going to hope that you can do it in a -- make it more
16:34:06 23 efficient if you're representing that that's what you're
16:34:06 24 going to try to do tonight so that we can avoid this man
16:34:06 25 missing more work than is necessary.

16:34:06 1 MR. LOWELL: Okay. I will do that.

16:34:06 2 (End of side-bar.)

16:34:06 3 THE COURT: All right. So Mr. Cleveland, we're
16:34:06 4 going to take a break for the night and I'm going to ask you
16:34:06 5 to come back in the morning. We're going to try to get you
16:34:06 6 out of here in the morning as early as we can. But we're
16:34:06 7 now going to take a break for the evening. We'll come back
16:34:07 8 at 9:00 a.m. tomorrow. And I'll just remind you not to talk
16:34:07 9 to anybody, not to listen to anybody, not to engage in
16:34:07 10 anything that would possibly have any effect on this case.

16:34:07 11 Thank you. Have a good night.

16:34:11 12 (Jury exiting the courtroom at 4:34 p.m.)

16:34:22 13 THE COURT: All right. Everyone, anything else
16:34:25 14 we need to talk about?

16:34:26 15 MR. HINES: Yes, Your Honor. And should the
16:34:28 16 witness be excused?

16:34:29 17 THE COURT: Yes, so you can be excused.

16:34:32 18 Thank you very much and we pick up tomorrow
16:34:34 19 morning at 9:00 a.m.

16:34:35 20 THE WITNESS: Do you want me to leave this right
16:34:37 21 here?

16:34:37 22 THE COURT: And everybody else can be seated.

16:34:39 23 MR. HINES: I just want to preview for the court
16:34:41 24 that we have six witnesses remaining after Mr. Cleveland,
16:34:45 25 all of them are shorter witnesses, so it's possible that we

16:34:50 1 will be resting our case-in-chief tomorrow. So just like we
16:34:54 2 have been telling the defense our witnesses we would ask
16:34:57 3 that they tell us tonight who they intend to call tomorrow
16:35:00 4 at the completion ever our case.

16:35:02 5 THE COURT: Thoughts.

16:35:03 6 MR. LOWELL: Yes. Understanding what they just
16:35:06 7 said, so if they -- I think we go all day tomorrow, I'll
16:35:09 8 tell them tonight who will be your first witness likely on
16:35:13 9 Friday morning.

16:35:14 10 THE COURT: Okay. Does that work?

16:35:15 11 MR. HINES: Yes. Thank you.

16:35:17 12 THE COURT: Anything else?

16:35:18 13 MR. LOWELL: Only that I will among other things
16:35:20 14 look at the transcript about what he said about that second
16:35:24 15 registration or the second identification, I will look at
16:35:26 16 the exact words so --

16:35:28 17 THE COURT: You can raise it again in the
16:35:30 18 morning if you like.

16:35:31 19 MR. LOWELL: Thank you.

16:35:32 20 MR. HINES: Thank you.

16:35:36 21 THE COURT: All right. Everyone have a good
16:35:37 22 night.

16:35:37 23 COURTROOM DEPUTY: All rise. Court is
16:35:39 24 adjourned.

25 (Court adjourned at 4:35 p.m.)

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I hereby certify the foregoing is a true and accurate transcript from my stenographic notes in the proceeding.

/s/ Dale C. Hawkins
Official Court Reporter
U.S. District Court